

By: Kuempel

H.B. No. 789

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the duties of and the application of the professional
3 prosecutors law to the county attorneys in Gonzales and Lavaca
4 Counties and to the duties of the district attorney for the 25th
5 Judicial District.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Section 43.112, Government Code, is amended to
8 read as follows:

9 Sec. 43.112. 25TH JUDICIAL DISTRICT. The voters of
10 [~~Gonzales,~~ Guadalupe County [~~, and Lavaca counties~~] elect a
11 district attorney for the 25th Judicial District who represents the
12 state in that district court only in that county [~~those counties~~].
13 In addition to exercising the duties and authority conferred on
14 district attorneys by general law, the district attorney represents
15 the state in all criminal cases in the district courts in that
16 county [~~those counties~~].

17 SECTION 2. Subchapter B, Chapter 45, Government Code, is
18 amended by adding Section 45.189 to read as follows:

19 Sec. 45.189. GONZALES COUNTY. (a) In Gonzales County, the
20 county attorney of Gonzales County shall perform the duties imposed
21 on and have the powers conferred on district attorneys by general
22 law.

23 (b) The county attorney of Gonzales County or the
24 Commissioners Court of Gonzales County may accept gifts or grants

1 from any individual, partnership, corporation, trust, foundation,
2 association, or governmental entity for the purpose of financing or
3 assisting the operation of the office of county attorney in
4 Gonzales County. The county attorney shall account for and report
5 to the commissioners court all gifts or grants accepted under this
6 subsection.

7 SECTION 3. Subchapter B, Chapter 45, Government Code, is
8 amended by adding Section 45.243 to read as follows:

9 Sec. 45.243. LAVACA COUNTY. (a) In Lavaca County, the
10 county attorney of Lavaca County shall perform the duties imposed
11 on and have the powers conferred on district attorneys by general
12 law.

13 (b) The county attorney of Lavaca County or the
14 Commissioners Court of Lavaca County may accept gifts or grants
15 from any individual, partnership, corporation, trust, foundation,
16 association, or governmental entity for the purpose of financing or
17 assisting the operation of the office of county attorney in Lavaca
18 County. The county attorney shall account for and report to the
19 commissioners court all gifts or grants accepted under this
20 subsection.

21 SECTION 4. Section 46.002, Government Code, is amended to
22 read as follows:

23 Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter
24 applies to the state prosecuting attorney, all county prosecutors,
25 and the following state prosecutors:

26 (1) the district attorneys for Kenedy and Kleberg
27 Counties and for the 1st, 2nd, 8th, 9th, 12th, 18th, 21st, 23rd,

1 25th, 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th,
2 39th, 42nd, 43rd, 46th, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd,
3 64th, 66th, 69th, 70th, 76th, 81st, 83rd, 84th, 85th, 88th, 90th,
4 97th, 100th, 105th, 106th, 109th, 110th, 112th, 118th, 119th,
5 123rd, 142nd, 143rd, 145th, 156th, 159th, 173rd, 196th, 198th,
6 216th, 220th, 229th, 235th, 253rd, 258th, 259th, 266th, 268th,
7 271st, 286th, 329th, 344th, 349th, 355th, and 506th judicial
8 districts;

9 (2) the criminal district attorneys for the counties
10 of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell,
11 Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland,
12 Fannin, Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo,
13 Jasper, Jefferson, Kaufman, Lubbock, McLennan, Madison, Navarro,
14 Newton, Panola, Polk, Randall, Rockwall, San Jacinto, Smith,
15 Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker,
16 Waller, Wichita, Wood, and Yoakum; and

17 (3) the county attorneys performing the duties of
18 district attorneys in the counties of Andrews, Callahan, Cameron,
19 Castro, Colorado, Crosby, Ellis, Falls, Freestone, Gonzales,
20 Lamar, Lamb, Lampasas, Lavaca, Lee, Limestone, Marion, Milam,
21 Morris, Ochiltree, Orange, Rains, Red River, Robertson, Rusk,
22 Swisher, Terry, Webb, and Willacy.

23 SECTION 5. This Act takes effect September 1, 2011.