

By: Lozano

H.B. No. 2122

A BILL TO BE ENTITLED

AN ACT

relating to certain state attorneys called into active duty military service.

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

SECTION 1. Chapter 41, Government Code, is amended by adding Section 41.015 to read as follows:

Sec. 41.015. CALL TO ACTIVE DUTY NOT VACANCY OR ABSENCE.

(a) In this section, "active duty state attorney" means a district attorney, criminal district attorney, or county attorney who is on active duty or being mobilized or deployed for active duty as a member of:

(1) the National Guard;

(2) the armed forces of the United States;

(3) a reserve component of the armed forces of the United States or the National Guard; or

(4) any part of state military forces.

(b) A court shall excuse from appearance or attendance during the term of the court an active duty state attorney who has:

(1) delegated the attorney's responsibilities to:

(A) the attorney's first assistant; or

(B) another state attorney in the attorney's jurisdiction or in a jurisdiction overlapping the attorney's jurisdiction who agrees to accept the delegation of responsibilities; and

1           (2) notified the presiding judge of the court's  
2 administrative judicial region of:

3           (A) the attorney's military duty, mobilization,  
4 or deployment; and

5           (B) the identity of the attorney to whom  
6 responsibilities were delegated under Subdivision (1).

7           (c) An active duty state attorney who complies with  
8 Subsection (b) is not absent from office and has not vacated office.

9           SECTION 2. Section 43.003, Government Code, is amended to  
10 read as follows:

11           Sec. 43.003. FAILURE TO ATTEND COURT. (a) If a district  
12 attorney fails to attend any term of the district court of a county  
13 in the district, the district clerk shall certify that failure to  
14 the comptroller of public accounts. Unless a satisfactory reason  
15 for the failure is shown to the comptroller, the district attorney  
16 may not receive salary for the time the district attorney failed to  
17 attend.

18           (b) Subsection (a) does not apply to a district attorney who  
19 complies with Section 41.015.

20           SECTION 3. This Act takes effect immediately if it receives  
21 a vote of two-thirds of all the members elected to each house, as  
22 provided by Section 39, Article III, Texas Constitution. If this  
23 Act does not receive the vote necessary for immediate effect, this  
24 Act takes effect September 1, 2011.