

1-1 By: Lucio S.B. No. 910
1-2 (In the Senate - Filed February 24, 2011; March 8, 2011,
1-3 read first time and referred to Committee on Jurisprudence;
1-4 April 6, 2011, reported favorably by the following vote: Yeas 6,
1-5 Nays 0; April 6, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to certain state attorneys called into active duty
1-9 military service.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subchapter A, Chapter 41, Government Code, is
1-12 amended by adding Section 41.015 to read as follows:

1-13 Sec. 41.015. CALL TO ACTIVE DUTY NOT VACANCY OR ABSENCE.

1-14 (a) In this section, "active duty state attorney" means a district
1-15 attorney, criminal district attorney, or county attorney who is on
1-16 active duty or being mobilized or deployed for active duty as a
1-17 member of:

1-18 (1) the National Guard;

1-19 (2) the armed forces of the United States;

1-20 (3) a reserve component of the armed forces of the
1-21 United States or the National Guard; or

1-22 (4) any part of state military forces.

1-23 (b) A court shall excuse from appearance or attendance
1-24 during the term of the court an active duty state attorney who has:

1-25 (1) delegated the attorney's responsibilities to:

1-26 (A) the attorney's first assistant; or

1-27 (B) another state attorney in the attorney's
1-28 jurisdiction or in a jurisdiction overlapping the attorney's
1-29 jurisdiction who agrees to accept the delegation of
1-30 responsibilities; and

1-31 (2) notified the presiding judge of the court's
1-32 administrative judicial region of:

1-33 (A) the attorney's military duty, mobilization,
1-34 or deployment; and

1-35 (B) the identity of the attorney to whom
1-36 responsibilities were delegated under Subdivision (1).

1-37 (c) An active duty state attorney who complies with
1-38 Subsection (b) is not absent from office and has not vacated office.

1-39 SECTION 2. Section 43.003, Government Code, is amended to
1-40 read as follows:

1-41 Sec. 43.003. FAILURE TO ATTEND COURT. (a) If a district
1-42 attorney fails to attend any term of the district court of a county
1-43 in the district, the district clerk shall certify that failure to
1-44 the comptroller of public accounts. Unless a satisfactory reason
1-45 for the failure is shown to the comptroller, the district attorney
1-46 may not receive salary for the time the district attorney failed to
1-47 attend.

1-48 (b) Subsection (a) does not apply to a district attorney who
1-49 complies with Section 41.015.

1-50 SECTION 3. This Act takes effect immediately if it receives
1-51 a vote of two-thirds of all the members elected to each house, as
1-52 provided by Section 39, Article III, Texas Constitution. If this
1-53 Act does not receive the vote necessary for immediate effect, this
1-54 Act takes effect September 1, 2011.

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