

BILL ANALYSIS

Senate Research Center
83R2285 YDB-D

H.B. 717
By: Kolkhorst (Hegar)
Jurisprudence
5/8/2013
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The district attorney for the 25th Judicial District represents Gonzales, Guadalupe, and Lavaca Counties. The three counties' disparate prosecutorial needs would be best handled under a different structure. Interested parties assert that cases in the district court in Lavaca County should be prosecuted by the county attorney, rather than the district attorney, which would provide for a better use of resources by both Lavaca County and the district attorney. H.B. 717 seeks to address this issue by removing Lavaca County from the counties in which the district attorney of the 25th Judicial District represents the state and granting the county attorney of Lavaca County the powers and duties of a district attorney.

H.B. 717 amends current law relating to the duties of and the application of the professional prosecutors law to the county attorney in Lavaca County and to the duties of the district attorney for the 25th Judicial District.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 43.112, Government Code, as follows:

Sec. 43.112. 25TH JUDICIAL DISTRICT. Provides that the voters of Gonzales and Guadalupe Counties, rather than the voters of Gonzales, Guadalupe, and Lavaca counties, elect a district attorney for the 25th Judicial District who represents the state in that district court only in those counties. Makes nonsubstantive changes.

SECTION 2. Amends Subchapter B, Chapter 45, Government Code, by adding Section 45.243, as follows:

Sec. 45.243. LAVACA COUNTY. (a) Requires the county attorney of Lavaca County to, in that county, perform the duties imposed on and have the powers conferred on district attorneys by general law.

(b) Authorizes the county attorney of Lavaca County or the Commissioners Court of Lavaca County to accept gifts or grants from any individual, partnership, corporation, trust, foundation, association, or governmental entity for the purpose of financing or assisting the operation of the office of county attorney in Lavaca County. Requires the county attorney to account for and report to the commissioners court all gifts or grants accepted under this subsection.

SECTION 3. Amends Section 46.002, Government Code, as follows:

Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. Provides that this chapter applies to the state prosecuting attorney, all county prosecutors, and the following state prosecutors:

(1)-(2) Makes no change to these subdivisions; and

(3) the county attorneys performing the duties of district attorneys in certain counties, including Lavaca County.

SECTION 4. Effective date: September 1, 2013.