

BILL ANALYSIS

H.B. 717
By: Kolkhorst
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The district attorney for the 25th Judicial District currently represents the state in three counties in the district, Gonzales County, Guadalupe County, and Lavaca County. However, there is concern that these counties are rapidly growing apart in their prosecutorial needs. 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 by granting the county attorney of Lavaca County the powers and duties of a district attorney.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 717 amends the Government Code to remove Lavaca County from among the counties in which the district attorney of the 25th Judicial District is responsible for representing the state in district court and removes the voters of Lavaca County from among the voters that elect the district attorney. The bill requires the county attorney of Lavaca County, in that county, to perform the duties imposed on district attorneys by general law and grants the county attorney the powers conferred on district attorneys by general law. The bill 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 the county attorney in Lavaca County. The bill requires the county attorney to account for and report to the commissioners court all accepted gifts or grants. The bill includes the county attorney among the state prosecutors who are subject to statutory provisions governing professional prosecutors.

EFFECTIVE DATE

September 1, 2013.