

## **BILL ANALYSIS**

H.B. 3192  
By: Otto  
State Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The special prosecution unit, which is charged with prosecuting crimes that occur within the Texas Department of Criminal Justice (TDCJ) and the Texas Juvenile Justice Department (TJJD), is governed by a board of directors composed of every prosecuting attorney who represents the state in criminal matters before a court in a county with one or more TDCJ or TJJD facilities. The board of directors is governed by an executive board of 11 district and county attorneys who are selected by the unit's board of directors. Interested parties report that last summer the executive director notified the executive board of the executive director's intention to step down at the end of the 83rd Legislative Session. The parties note that the full board of more than 100 members is required to select a replacement and contend that it is unlikely there will be a quorum attending the board's quarterly meetings. H.B. 3192 seeks to address this issue by revising the special prosecution unit's governance structure.

### **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. 3192 amends the Government Code to include each prosecuting attorney who has entered into a memorandum of understanding with the special prosecution unit for the prosecution of offenses and delinquent conduct committed on property owned or operated by or under contract with the Texas Department of Criminal Justice (TDCJ) or the Texas Juvenile Justice Department (TJJD), or committed by or against a person in the custody of TDCJ or TJJD while the person is performing a duty away from TDCJ or TJJD property, among the prosecuting attorneys who make up the board of directors of the special prosecution unit. The bill requires the board of directors to meet annually for the purpose of electing the executive board and approving or amending bylaws governing the unit, establishes that a majority of the members of the board of directors constitutes a quorum for the transaction of business, and requires the board of directors to approve any action by a majority vote of the members present. The bill requires the executive board, rather than the board of directors, to elect a person to fill a vacancy on the executive board that occurs before the end of the vacating member's term. The bill requires the executive board to conduct the business of the unit, establishes that a majority of the members of the executive board constitutes a quorum for the transaction of business, and requires the executive board to approve any action by a majority vote of the members present. The bill requires the executive board, rather than the board of directors, to elect a person to serve the remainder of the term of office of a presiding officer or assistant presiding officer if a vacancy occurs in that office before the end of the vacating officer's term, and requires the executive board, rather than the board of directors, on a majority vote, to employ a person to serve as chief of the unit and to employ additional persons to accomplish the unit's purposes.

**EFFECTIVE DATE**

September 1, 2013.