

BILL ANALYSIS

S.B. 1285
By: Williams
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 of the unit notified the executive board of the executive director's intention to step down from the position 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 that it is generally difficult to even achieve a quorum at the board's quarterly meetings. S.B. 1285 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

S.B. 1285 amends the Government Code to establish that the special prosecution unit is governed by a board of directors composed of each prosecuting attorney who, in addition to representing the state in criminal matters before a court in a county in which one or more facilities owned or operated by or under contract with the Texas Department of Criminal Justice (TDCJ) or the Texas Juvenile Justice Department (TJJD) are located, has entered into a memorandum of understanding with the unit for the prosecution of offenses and delinquent conduct committed on property owned or operated by or under contract with TDCJ or 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. 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.