

By: Thompson of Harris

H.B. No. 385

Substitute the following for H.B. No. 385:

By: Farias

C.S.H.B. No. 385

A BILL TO BE ENTITLED

1

AN ACT

2 relating to bond requirements for county officers and employees,
3 district attorneys, and criminal district attorneys.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 43.002, Government Code, is amended by
6 amending Subsection (a) and adding Subsection (d) to read as
7 follows:

8 (a) Before assuming the duties of the office and except as
9 provided by Subsection (c) or (d), a district attorney must give a
10 bond that:

11 (1) is payable to the governor;

12 (2) is in the sum of \$5,000;

13 (3) has two or more good and sufficient sureties;

14 (4) is approved by the district judge; and

15 (5) is conditioned that the district attorney will, in
16 the manner prescribed by law, faithfully pay over all money that he
17 collects or that comes into his hands for the state or a county.

18 (d) A district attorney is not required to execute the bond
19 required under Subsection (a) and may perform the duties of office
20 if the commissioners court of each county in the district by order
21 authorizes the county to self-insure against losses that would have
22 been covered by the bond. An order adopted by a commissioners court
23 under this subsection shall be kept and recorded by the county
24 clerk.

1 SECTION 2. Section 44.002, Government Code, is amended by
2 amending Subsection (a) and adding Subsection (c) to read as
3 follows:

4 (a) Except as provided by Subsection (b) or (c), a criminal
5 district attorney must meet the qualifications and give the bond
6 required of a district attorney by the constitution and general
7 law.

8 (c) A criminal district attorney is not required to execute
9 the bond required under Subsection (a) and may perform the duties of
10 office if the commissioners court of the county the attorney serves
11 by order authorizes the county to self-insure against losses that
12 would have been covered by the bond. An order adopted by a
13 commissioners court under this subsection shall be kept and
14 recorded by the county clerk.

15 SECTION 3. Chapter 88, Local Government Code, is amended by
16 adding Section 88.008 to read as follows:

17 Sec. 88.008. SELF-INSURANCE INSTEAD OF BOND. (a)
18 Notwithstanding any other law requiring a county officer or
19 employee to execute a bond as a condition of office or employment, a
20 county officer or employee is not required to execute the bond and
21 may perform the duties of office or employment if:

22 (1) the commissioners court by order authorizes the
23 county to self-insure against losses that would have been covered
24 by the bond; and

25 (2) the county judge approves the order adopted under
26 Subdivision (1), if the county judge was required to approve the
27 bond under the other law.

