

By: Otto

H.B. No. 3192

A BILL TO BE ENTITLED

AN ACT

relating to the operation of the special prosecution unit.

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

SECTION 1. Section 41.303, Government Code, is amended by amending Subsection (a) and adding Subsections (c) and (d) to read as follows:

(a) The unit is governed by a board of directors composed of each prosecuting attorney who:

(1) represents 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 department or the commission are located; and

(2) has entered into a memorandum of understanding with the unit for the prosecution of offenses and delinquent conduct described by Article 104.003(a), Code of Criminal Procedure.

(c) The board of directors shall meet annually for the purpose of electing the executive board and approving or amending bylaws governing the unit.

(d) A majority of the members of the board of directors constitutes a quorum for the transaction of business. The board of directors must approve any action by a majority vote of the members present.

SECTION 2. Section 41.304, Government Code, is amended by

1 amending Subsection (b) and adding Subsections (c) and (d) to read  
2 as follows:

3 (b) If a vacancy on the executive board occurs before the  
4 end of the vacating member's term, the executive board [~~of~~  
5 ~~directors~~] shall elect a person to serve the remainder of the  
6 [~~vacating member's~~] term [~~in the manner provided by Subsection~~  
7 ~~(a)~~]. To be eligible for election under this subsection, a person  
8 must meet any qualifications required of the vacating member for  
9 service on the executive board.

10 (c) The executive board shall conduct the business of the  
11 unit.

12 (d) A majority of the members of the executive board  
13 constitutes a quorum for the transaction of business. The executive  
14 board must approve any action by a majority vote of the members  
15 present.

16 SECTION 3. Section 41.305(d), Government Code, is amended  
17 to read as follows:

18 (d) If a vacancy occurs in the office of presiding officer  
19 or assistant presiding officer before the end of the vacating  
20 officer's term, the executive board [~~of directors~~] shall elect a  
21 person to serve the remainder of the [~~vacating officer's~~] term [~~in~~  
22 ~~the manner provided by Subsection (a)~~].

23 SECTION 4. Section 41.308, Government Code, is amended to  
24 read as follows:

25 Sec. 41.308. CHIEF OF SPECIAL PROSECUTION UNIT; ADDITIONAL  
26 EMPLOYEES. The executive board [~~of directors~~], on a majority vote,  
27 shall employ a person to serve as chief of the unit and additional

1 persons to accomplish the unit's purposes. The board of directors  
2 may determine the compensation of the unit's employees.

3 SECTION 5. This Act takes effect September 1, 2013.