

By: Huffman  
(Thompson of Harris)

S.B. No. 265

Substitute the following for S.B. No. 265:

By: Farias

C.S.S.B. No. 265

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

(1) is payable to the governor;

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

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

(4) is approved by the district judge; and

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

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

