

BILL ANALYSIS

C.S.H.B. 480
By: Bell
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties raise the concern that while other governmental entities are authorized to commission reserve or unpaid peace officers there is no statutory authority for a prosecuting attorney to appoint reserve investigators. The parties are also concerned about the inability of the counties to retain investigators because they are unable to pay a competitive wage to these professionals. C.S.H.B. 480 recognizes the need for reserve investigators and proposes to provide this additional investigative support to prosecutors.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

C.S.H.B. 480 amends the Government Code to authorize a county commissioners court to authorize a prosecuting attorney to appoint reserve investigators. The bill authorizes the commissioners court to limit the number of reserve investigators that a prosecuting attorney may appoint. The bill authorizes a reserve investigator to accept other employment or compensation that does not impair the investigator's independence in the performance of the investigator's duties for the prosecuting attorney.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 480 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED		HOUSE COMMITTEE SUBSTITUTE	
SECTION	1. Section 41.102(a), Government Code, is amended to read as follows:	SECTION	1. Section 41.102(a), Government Code, is amended to read as follows:

(a) A prosecuting attorney may employ the assistant prosecuting attorneys, investigators, secretaries, and other office personnel that in the prosecuting attorney's [his] judgment are required for the proper and efficient operation and administration of the office. A prosecuting attorney may also retain reserve investigators.

A reserve investigator may accept other employment or compensation that does not impair the reserve investigator's independence in the performance of the reserve investigator's duties for the prosecuting attorney.

SECTION 2. This Act takes effect September 1, 2015.

(a) A prosecuting attorney may employ the assistant prosecuting attorneys, investigators, secretaries, and other office personnel that in the prosecuting attorney's [his] judgment are required for the proper and efficient operation and administration of the office. The commissioners court may authorize a prosecuting attorney to appoint reserve investigators. The commissioners court may limit the number of reserve investigators that a prosecuting attorney may appoint. A reserve investigator may accept other employment or compensation that does not impair the reserve investigator's independence in the performance of the reserve investigator's duties for the prosecuting attorney.

SECTION 2. Same as introduced version.