

BILL ANALYSIS

H.B. 3807
By: Springer
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been suggested that the citizens of Cooke County will be better served by eliminating the office of county attorney and providing for the creation of the elected office of criminal district attorney. H.B. 3807 seeks to abolish the office of county attorney in Cooke County and create the single elected office of criminal district attorney.

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

H.B. 3807 abolishes the office of county attorney of Cooke County effective January 1, 2021, and amends the Government Code to provide for the creation of the elected office of criminal district attorney of Cooke County. The bill sets out the qualifications to serve as the criminal district attorney but establishes that those qualifications do not apply to a given election if a person meeting those qualifications does not file as a candidate for the office on or before the 30th day before the last day on which a person may file as a candidate. A vacancy in the elected office of criminal district attorney is filled by appointment by the Commissioners Court of Cooke County and the appointee holds office until the next general election. The bill provides for the compensation of the criminal district attorney.

H.B. 3807 sets out the powers and duties of the criminal district attorney and provides that the criminal district attorney exclusively represents the state in all criminal matters before the courts in Cooke County. The bill provides for the appointment of staff as necessary for the purpose of conducting the affairs of the office of criminal district attorney and for the payment of that staff. The bill requires the criminal district attorney, with the advice and consent of the commissioners court, to designate one or more individuals to act as assistant criminal district attorney with responsibility for assisting the commissioners court. The bill authorizes the criminal district attorney to designate an assistant to represent the interests of the state in civil matters in Cooke County and, subject to the approval of the commissioners court, to contract with attorneys as special assistants to conduct specialized tasks as needed.

H.B. 3807 requires the initial vacancy in the office of criminal district attorney of Cooke County on creation of the office to be filled by election. The bill establishes that the office exists only for the purposes of the primary and general elections in 2020 and requires the election of the initial criminal district attorney at the 2020 general election for a four-year term beginning January 1,

2021. Thereafter, the criminal district attorney is elected for a four-year term as provided by the Texas Constitution and a vacancy after the initial vacancy is filled as provided by the constitution.

H.B. 3807 amends the Local Government Code to authorize a county with a population of less than 100,000 that borders Lake Ray Roberts, with approval of the commissioners court, to set the amount of the compensation and allowances of the county auditor in an amount that exceeds the amount of the compensation and allowances received from all sources by the highest paid elected county officer, other than the judge of a statutory county court, whose salary and allowances are set by the commissioners court.

EFFECTIVE DATE

January 1, 2020.