1   AN ACT

2 relating to the appointment of an attorney pro tem for certain

3 criminal proceedings.

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

5   SECTION 1. Articles 2.07(a), (b), (b-1), and (d), Code of

6 Criminal Procedure, are amended to read as follows:

7   (a) Whenever an attorney for the state is disqualified to

8 act in any case or proceeding, is absent from the county or

9 district, or is otherwise unable to perform the duties of the

10 attorney's [his] office, or in any instance where there is no

11 attorney for the state, the judge of the court in which the attorney

12 [he] represents the state may appoint, from any county or district,

13 an [any competent] attorney for the state or may appoint an

14 assistant attorney general to perform the duties of the office

15 during the absence or disqualification of the attorney for the

16 state.

17   (b) Except as otherwise provided by this subsection, [if the

18 appointed attorney is also an attorney for the state,] the duties of

19 the appointed office are additional duties of the appointed

20 attorney's [his] present office, and the attorney [he] is not

21 entitled to additional compensation. This subsection does not

22 [Nothing herein shall] prevent a commissioners court of a county

23 from contracting with another commissioners court to pay expenses

24 and reimburse compensation paid by a county to an attorney [for the

1 state] who is appointed to perform additional duties.

2   (b-1) An attorney for the state who is not disqualified to

3 act may request the court to permit the attorney's recusal [him to

4 recuse himself] in a case for good cause, and on [upon] approval by

5 the court, the attorney is disqualified.

6   (d) In this article, "attorney for the state" means a county

7 attorney with criminal jurisdiction, a district attorney, or a

8 criminal district attorney.

9   SECTION 2. Article 52.09(c), Code of Criminal Procedure, is

10 amended to read as follows:

11   (c) An attorney pro tem appointed under Article 52.01(d) [of

12 this code] is entitled to compensation in the same amount and manner

13 as an attorney appointed to represent an indigent person [pro tem

14 appointed under Article 2.07 of this code]. The district judge

15 shall set the compensation of the attorney pro tem based on the

16 sworn testimony of the attorney or other evidence that is given in

17 open court.

18   SECTION 3. Section 574.004, Government Code, is amended to

19 read as follows:

20   Sec. 574.004. ASSISTANCE   BY   ATTORNEY   GENERAL.   This

21 [Nothing in this] chapter does not [shall] prevent the attorney

22 general from providing assistance to district attorneys, criminal

23 district attorneys, and county attorneys on request by allowing

24 assistant attorneys general to serve as duly appointed and

25 deputized assistant prosecutors, nor does [shall] this chapter

26 prohibit the appointment of an assistant attorney general as an

27 attorney pro tem pursuant to Article 2.07, Code of Criminal

1 Procedure.

2   SECTION 4. Articles 2.07(c), (e), (f), and (g), Code of
3 Criminal Procedure, are repealed.

4   SECTION 5. The change in law made by this Act in amending
5 Article 2.07, Code of Criminal Procedure, applies only to the
6 appointment of an attorney pro tem that occurs on or after the
7 effective date of this Act. The appointment of an attorney pro tem
8 that occurs before the effective date of this Act is governed by the
9 law in effect on the date the attorney pro tem was appointed, and
10 the former law is continued in effect for that purpose.

11   SECTION 6. This Act takes effect September 1, 2019.

_____   _____
      President of the Senate   Speaker of the House

    I hereby certify that S.B. No. 341 passed the Senate on April 11, 2019, by the following vote: Yeas 31, Nays 0.

                                 _____
                                    Secretary of the Senate

    I hereby certify that S.B. No. 341 passed the House on May 22, 2019, by the following vote: Yeas 142, Nays 2, two present not voting.

                                 _____
                                  Chief Clerk of the House

Approved:

_____
            Date

_____
         Governor