

## **BILL ANALYSIS**

C.S.H.B. 1130  
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Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

There are fewer attorneys available in rural areas and smaller counties. Resources can be stretched thin and state law disqualifies district and county attorneys from providing their services by serving of counsel adversely to the state in any case. C.S.H.B. 1130 seeks to create more opportunity for these attorneys to serve their communities where available legal assistance may be limited by allowing a district or county attorney to serve as court-appointed guardian ad litem in a suit by a governmental entity to protect the health and safety of a child.

### **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. 1130 amends the Code of Criminal Procedure to establish an exception to the prohibition against district and county attorneys being of counsel adversely to the state in any case, and in any court, to allow these officers to serve as an attorney ad litem appointed in a suit by a governmental entity to protect the health and safety of a child. The bill's provisions apply only to the prosecution of an offense committed on or after the bill's effective date. The bill provides for the continuation of the law in effect before the bill's effective date for purposes of the prosecution of an offense, or any element thereof, that occurred before that date.

### **EFFECTIVE DATE**

September 1, 2023.

### **COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 1130 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The introduced limited the cases in which district and county attorneys are prohibited from being of counsel adversely to the state to only criminal cases. The substitute does not include this limitation and instead establishes an exception to the prohibition to allow district and county attorneys to be of counsel adversely to the state as an attorney ad litem appointed in a suit by a governmental entity to protect the health and safety of a child.