

## **BILL ANALYSIS**

S.B. 950  
By: Kolkhorst  
State Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

In 2022, a federal lawsuit was filed challenging criminal prosecutions of plaintiffs under state law outlawing abortion. This lawsuit, *Fund Texas Choice v. Paxton*, named several district and county attorneys as defendants in the lawsuit. A particular named county attorney sought representation from the Office of the Attorney General (OAG) in this matter, but the OAG declined to offer representation, alleging an absence of statutory authority to represent a county attorney.

Current law authorizes the OAG to defend a district attorney for certain matters but does not give explicit authority to the OAG to defend a district attorney for enforcement of a state statute. In addition, current law is silent on the ability of the OAG to defend a county attorney in any matter.

S.B. 950 seeks to make clear that the OAG has authority to defend a state district attorney or county attorney in federal court if the cause of action relates to the enforcement of a state statute and the county attorney or district attorney requests assistance in the defense.

### **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**

S.B. 950 amends the Government Code to authorize the attorney general to defend a state district attorney or a county attorney in an action in a federal court if the following conditions are satisfied:

- the district or county attorney is a defendant because of their office;
- the cause of action relates to the enforcement of a state statute; and
- the district or county attorney requests the attorney general's assistance in the defense.

The bill applies only to a court action filed in federal court on or after the bill's effective date. A court action filed before the bill's effective date is governed by the law in effect on the date the action was filed, and the former law is continued in effect for that purpose.

### **EFFECTIVE DATE**

September 1, 2023.