

BILL ANALYSIS

Senate Research Center
88R20885 JTZ-F

C.S.S.B. 950
By: Kolkhorst
State Affairs
4/3/2023
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2022, several Texas county attorneys were named as defendants in a federal lawsuit challenging the implementation of a recent state law. County attorneys, named in the lawsuit sought out representation from the Texas Office of the Attorney General, which declined to offer representation, alleging an absence of statutory authority for representing a county attorney.

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

C.S.S.B. 950 makes clear that the attorney general has authority to defend a 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.

Committee Substitute: The committee substitute is a Legislative Council draft of the filed version.

C.S.S.B. 950 amends current law relating to the attorney general's defense of a district or county attorney against certain lawsuits in federal court.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Section 402.024, Government Code, to read as follows:

Sec. 402.024. DEFENSE OF DISTRICT ATTORNEY, COUNTY ATTORNEY, OR GRAND JUROR.

SECTION 2. Amends Section 402.024, Government Code, by adding Subsection (c), as follows:

(c) Authorizes the attorney general to defend a state district attorney or a county attorney in an action in a federal court if the district or county attorney is a defendant because of the district or county attorney's 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.

SECTION 3. Makes application of Section 402.024, Government Code, as amended by this Act, prospective.

SECTION 4. Effective date: September 1, 2023.