

BILL ANALYSIS

H.B. 917
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

State law prohibits a district or county attorney from serving as counsel adversely to the state. The bill author has informed the committee that this sometimes presents problems in smaller, rural counties when the judge in a child protection case brought by the state must appoint an attorney ad litem to represent the best interests of the child and there are not enough qualified attorneys to serve in such a capacity, in which case the judge may have to appoint an attorney who practices law or resides outside of a reasonable distance of the venue in which these cases are heard. The author further stated that this may do a disservice to the child or result in higher legal costs. H.B. 917 seeks to address this issue by ensuring that district and county attorneys who are otherwise qualified to serve as an attorney ad litem in a child protection suit are excepted from the prohibition against serving as counsel adversely to the state.

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. 917 amends the Code of Criminal Procedure to except service as an attorney ad litem in a child protection suit from the prohibition against a district or county attorney serving as counsel adversely to the state in any case in any court.

H.B. 917 applies only to the prosecution of an offense committed on or after the bill's effective date. The prosecution of an offense committed before the bill's effective date is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For these purposes, an offense was committed before the bill's effective date if any element of the offense occurred before that date.

EFFECTIVE DATE

September 1, 2025.