

BILL ANALYSIS

S.B. 330
By: Huffman
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The 87th Legislature passed S.B. 23, which required counties with a population more than 1.2 million to receive voter approval before reducing their law enforcement's budget. The bill sponsor has informed the committee that prosecutors also play a critical role in the criminal justice system, as they are charged with obtaining justice for victims of crime and should be treated no differently than law enforcement. The bill sponsor has also informed the committee that some counties have attempted to further defund the criminal justice system by proposing budgets that cut funding to prosecutor's offices. S.B. 330 seeks to address this issue by requiring an applicable county to hold an election before passing a budget that reduces regular funding for a prosecutor's office compared to the previous fiscal year, under certain conditions.

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. 330 amends the Local Government Code to require a county with a population of more than 1.2 million to hold an election, in accordance with statutory provisions relating to an election for approval of a reduction of funding or resources for certain primary law enforcement agencies, if the county adopts a budget for a fiscal year that, compared to the budget adopted by the county for the preceding fiscal year, does the following:

- reduces for a prosecutor's office:
 - for a fiscal year in which the overall amount of the budget is equal to or greater than the amount for the preceding fiscal year, the appropriation to the office; or
 - for a fiscal year in which the overall amount of the budget is less than the amount for the preceding fiscal year, the appropriation to the office as a percentage of the total budget; or
- reallocates funding or resources to another prosecutor's office.

The bill establishes that a county budget does not include a one-time extraordinary expense, as determined by the comptroller of public accounts, that is outside the normal costs of operating a prosecutor's office, revenues used to repay voter-approved bonded indebtedness incurred for a prosecutorial purpose, or a donation or a state or federal grant to the county's prosecutor's office.

S.B. 330 prohibits a county, if the comptroller determines that the county implemented the proposed reduction or reallocation without the required voter approval, from adopting a property tax rate that exceeds the county's no-new-revenue tax rate until the earlier of the following:

- the date the comptroller issues a written determination that the county has, as applicable, reversed each funding reduction, adjusted for inflation, and personnel reduction that was a subject of the determination or restored all reallocated funding and resources that were subjects of the determination to the original prosecutor's office; or
- the date on which each reduction and reallocation that was a subject of the determination has been approved in an election held in accordance with the applicable provisions.

S.B. 330 defines "prosecutor's office," for purposes of statutory provisions relating to an election for approval of a reduction of funding or resources for certain primary law enforcement agencies, as the office of a district attorney, a criminal district attorney, or a county attorney with criminal jurisdiction.

EFFECTIVE DATE

January 1, 2026.