

BILL ANALYSIS

S.B. 888
By: Kolkhorst
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill sponsor has informed the committee that, in 2022, several county attorneys in Texas were named as defendants in a federal lawsuit challenging the implementation of a state law, that some of those attorneys requested representation from the Office of the Attorney General, and that those requests were declined because there is a lack of statutory authority to provide that representation to those public servants. Under current law, the attorney general is authorized to defend a district attorney but current law does not explicitly allow the attorney general to defend a district attorney in the enforcement of a state statute nor does the statute explicitly authorize the attorney general to defend a county attorney in any matter. S.B. 888 seeks to address this issue by authorizing the attorney general to defend a district or county attorney in federal court if the cause of action relates to the enforcement of a state statute and the district or county 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. 888 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 position;
- 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, 2025.