

1-1 By: Hughes S.B. No. 1367  
 1-2 (In the Senate - Filed February 18, 2025; March 6, 2025,  
 1-3 read first time and referred to Committee on State Affairs;  
 1-4 May 5, 2025, reported favorably by the following vote: Yeas 9,  
 1-5 Nays 1; May 5, 2025, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Hughes	X			
1-8 Paxton	X			
1-9 Bettencourt	X			
1-10 Birdwell	X			
1-11 Hall	X			
1-12 Hinojosa of Nueces	X			
1-13 Middleton			X	
1-14 Parker	X			
1-15 Perry	X			
1-16 Schwertner	X			
1-17 Zaffirini		X		

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to the appointment, duties, and removal of the state  
 1-22 prosecuting attorney.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. The heading to Section 42.001, Government Code,  
 1-25 is amended to read as follows:

1-26 Sec. 42.001. OFFICE; DUTIES; QUALIFICATIONS.

1-27 SECTION 2. Section 42.001, Government Code, is amended by  
 1-28 amending Subsection (a) and adding Subsection (a-1) to read as  
 1-29 follows:

1-30 (a) The supreme court [~~of criminal appeals~~] shall appoint a  
 1-31 state prosecuting attorney.

1-32 (a-1) The state prosecuting attorney:

1-33 (1) shall [to] represent the state in all proceedings  
 1-34 before the court of criminal appeals;

1-35 (2) [~~The state prosecuting attorney~~] may [~~also~~]  
 1-36 represent the state in any stage of a criminal case before a state  
 1-37 court of appeals if the attorney [~~he~~] considers it necessary for the  
 1-38 interest of the state; and

1-39 (3) may exercise concurrent jurisdiction to represent  
 1-40 the state in the district and inferior courts in this state in a  
 1-41 criminal case in which the criminal conduct alleged relates to a  
 1-42 violation of this state's election laws.

1-43 SECTION 3. Section 42.004, Government Code, is amended to  
 1-44 read as follows:

1-45 Sec. 42.004. REMOVAL. The supreme court [~~of criminal~~]  
 1-46 [~~appeals~~] may remove state prosecuting attorneys from office for  
 1-47 good cause.

1-48 SECTION 4. The changes in law made by this Act apply only to  
 1-49 a state prosecuting attorney who is appointed on or after the  
 1-50 effective date of this Act. A state prosecuting attorney appointed  
 1-51 before the effective date of this Act continues to serve for the  
 1-52 term to which the state prosecuting attorney was appointed unless  
 1-53 otherwise removed as provided by law.

1-54 SECTION 5. (a) Notwithstanding any other section of this  
 1-55 Act, in a state fiscal year, the state prosecuting attorney is not  
 1-56 required to implement a mandatory provision in another section of  
 1-57 this Act imposing a duty on the state prosecuting attorney to take  
 1-58 an action unless money is specifically appropriated to the state  
 1-59 prosecuting attorney for that fiscal year to carry out that duty.  
 1-60 The state prosecuting attorney may implement the provision in that  
 1-61 fiscal year to the extent other funding is available to the state

2-1 prosecuting attorney for the implementation.

2-2 (b) If, as authorized by Subsection (a) of this section, the  
2-3 state prosecuting attorney does not implement the mandatory  
2-4 provision in a state fiscal year, the state prosecuting attorney,  
2-5 in the state prosecuting attorney's legislative budget request for  
2-6 the next state fiscal biennium, shall certify that fact to the  
2-7 Legislative Budget Board and include a written estimate of the  
2-8 costs of implementing the provision in each year of that next state  
2-9 fiscal biennium.

2-10 (c) This section expires and any duty suspended by  
2-11 Subsection (a) of this section becomes mandatory on September 1,  
2-12 2029.

2-13 SECTION 6. This Act takes effect September 1, 2025.

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