

SUBJECT: Reimbursements to El Paso County by Culberson and Hudspeth counties

COMMITTEE: Judiciary — committee substitute recommended

VOTE: 7 ayes — Hartnett, Homer, Alonzo, R. Cook, Gonzales, Hughes, Krusee

0 nays

2 absent — Hopson, Goolsby

SENATE VOTE: On final passage, May 3 — 31-0

WITNESSES: For — (*Registered, but did not testify*: Deborah C. Kastrin,
Commissioner's Court - County of El Paso)

Against — None

On — (*Registered, but not testifying*: Ballard Shapleigh, Office of the
District Attorney, 34th Judicial District)

BACKGROUND: El Paso, Hudspeth and Culberson make up the 34th Judicial District. All felony prosecutions are staffed out of and paid for by El Paso County.

Government Code, Sec. 43.120 currently requires Hudspeth and Culberson Counties to reimburse El Paso County at the rate of \$100 per month for the out-of-pocket costs associated with prosecuting felony cases in their counties. The current payment does not cover the necessary costs in full, and El Paso County does not receive reimbursement for attorney and staff salaries.

DIGEST: CSSB 1379 would amend Government Code, sec. 43.120 to require the district attorney's office in the 34th Judicial District to prepare each year a budget and financial statement for the upcoming fiscal year and file the documents with the commissioners' courts of Hudspeth and Culberson counties.

Hudspeth and Culberson counties each would pay El Paso County by the last day of each fiscal quarter one-fourth of the budgeted prosecution costs

for the preparation and conduct of criminal affairs of the district attorney's office.

The budget and financial statement prepared by the district attorney's office would include the budgeted prosecution costs for Culberson and Hudspeth counties, with the costs for each county listed separately, and any additional information from the district attorney or required by the commissioners court of Culberson or Hudspeth County.

El Paso County would be responsible for managing funds spent by the district attorney for the preparation and conduct of criminal affairs of the district attorney's office, including compensation for assistants and other employees.

El Paso County still could enter into an interlocal agreement with Culberson or Hudspeth County in lieu of budgeting costs, but the agreement could not exceed \$90,000 per fiscal year.

This bill would take effect October 1, 2007.

NOTES:

The House committee substitute added the provision that nothing in the bill would prevent El Paso County from entering into an interlocal agreement with Culberson or Hudspeth County.