

SUBJECT: Vesting the Gonzales County attorney with the duties of a district attorney

COMMITTEE: Judiciary and Civil Jurisprudence — committee substitute recommended

VOTE: 9 ayes — Lewis, Farrar, Farney, Gooden, Hernandez Luna, Hunter, K. King, Raymond, S. Thompson

0 nays

WITNESSES: For — David Bird and Paul Watkins, Gonzales County; Heather McMinn, 25th Judicial District; (*Registered, but did not testify:* Micah Harmon and Tramer Woytek, Lavaca County)

Against — None

On — John Stuart Fryer, Lavaca County; Robert Kepple, District and County Attorneys Association; (*Registered, but did not testify:* Micah Harmon and Tramer Woytek, Lavaca County)

BACKGROUND: Government Code, sec. 43.112 established the 25th Judicial District. Its elected felony prosecutor has jurisdiction in Gonzales, Guadalupe, and Lavaca counties.

The Professional Prosecutors Act, Government Code, ch. 46 ties the salary of elected prosecutors covered by the act to the salary of a Texas district judge, which is \$125,000. To receive the higher salary, an elected prosecutor must give up his or her private civil practice.

DIGEST: HB 696 would remove Gonzales County from the 25th Judicial District and grant its county attorney the duties and powers of a district attorney. The Gonzales County attorney would be added to the Professional Prosecutors Act, raising his or her annual salary to \$125,000.

SUPPORTERS SAY: HB 696 would increase the efficiency of law enforcement in Gonzales County. The 25th Judicial District has seen a sharp rise in population and economic activity related to the development of oil and gas deposits in the Eagle Ford shale formation across South Texas. This has led to an increase in crime.

By vesting the Gonzales County attorney with the powers and responsibilities of a district attorney, HB 696 would centralize law enforcement activities in Gonzales County. The county attorney is located in the county seat, Gonzales, as is the county sheriff and the district clerk. The district attorney of the 25th Judicial District offices in Seguin, the county seat of Guadalupe County. The map of the 25th Judicial District shows it can take up to three hours for a district attorney to drive from one part of the district to another.

There is precedent for granting the county attorney the same duties as a district attorney. Gonzales County would be among 27 other counties in which a county attorney has been granted the authority to perform the duties of a district attorney.

The Legislature historically has added felony prosecutor offices to the Professional Prosecutors Act when the prosecutor has requested it. The exception was when the 82nd Legislature did not move two prosecutors into the act because of a lack of funding for spending increases. Since the state has seen a dramatic increase in revenue, the state can afford to add the Gonzales County Attorney's Office to the Professional Prosecutors Act, especially with the corresponding benefits to law and order. Finally, there are counties with smaller felony dockets that have prosecutors under the professional prosecutor's act.

**OPPONENTS
SAY:**

The Legislature should be careful about making long-term funding commitments when it comes to criminal justice matters that may have only a local impact. According to the fiscal note, the bill would cost the state \$184,334 in general revenue and \$124,262 from the judicial fund through the biennium.

NOTES:

The committee substitute differs from the bill as filed in that the original would have vested the Lavaca county attorney with the powers and duties of a district attorney.