

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 1012  
By: Ogden  
Finance  
3-24-97  
Committee Report (Substituted)

### **DIGEST**

Currently, Madison and Leon counties share a district attorney. Recent years have seen a growth in crime as well as population in the counties and as a result there is a back-log of cases. This bill would create the office of criminal district attorney of Madison County and abolish the office of county attorney of Madison County as well as the jurisdiction of the district attorney for the 12th Judicial District in Madison County.

### **PURPOSE**

As proposed, C.S.S.B. 1012 creates the office of criminal district attorney of Madison County.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 43.106(a), (c), and (d), Government Code, to provide that the voters of Leon County, rather than the voters of Madison and Leon counties, elect a district attorney for the 12th Judicial District who represents the state in that district court only in Leon County, rather than in those counties. Authorizes the district attorney, with the consent of the Commissioners Court, rather than commissioners courts, of Leon County, rather than the counties comprising the district, to appoint a deputy district attorney. Authorizes the Commissioners Court of Leon County to pay the salary and traveling expenses of the deputy district attorney from the officers' salary fund, rather than from the officers' salary funds of the counties proportionately according to the population of each of the counties. Makes conforming changes.

SECTION 2. Amends Section 44.001, Government Code, to provide that the voters of Madison County elect a criminal district attorney.

SECTION 3. Amends Chapter 44B, Government Code, by adding Section 44.257, as follows:

Sec. 44.257. MADISON COUNTY. Provides that the criminal district attorney of Madison County has all the powers, duties, and privileges in Madison County that are conferred by law on district and county attorneys. Requires the criminal district attorney to collect the fees, commissions, and perquisites provided by law for similar services rendered by a district or county attorney.

SECTION 4. Amends Section 46.002, Government Code, to make conforming changes.

SECTION 5. Provides that the office of county attorney of Madison County is abolished.

SECTION 6. (a) Requires, notwithstanding Section 41.010, Government Code, the initial vacancy in the office of criminal district attorney of Madison County on creation of the office to be filled by election. Provides that the office of criminal district attorney of Madison County exists for the purposes of the primary and general elections in 1998. Requires the qualified voters of the county to elect the initial criminal district attorney of Madison County at the general election in 1998 for a four-year term beginning January 1, 1999. Sets forth provisions in effect thereafter.

(b) Provides that the district attorney elected by the voters of Madison and Leon counties to serve as district attorney for the 12th Judicial District shall serve the remainder of the elected term, unless otherwise removed, as district attorney for the 12th Judicial District.

SECTION 7. (a) Effective date: September 1, 1997, except as provided by Subsections (b) and (c) of this section.

(b) Provides that this Act takes effect only if the 75th Legislature, Regular Session, 1997, makes an appropriation to fund the office of criminal district attorney of Madison County. Requires the executive director of the Legislative Budget Board to notify the comptroller regarding the appropriation. Provides that if no appropriation is made, this Act has no effect.

(c) Effective date of SECTIONS 1-5 of this Act: January 1, 1999.

SECTION 8. Emergency clause.

### **SUMMARY OF COMMITTEE CHANGES**

SECTION 6.

Adds Subsection (b) to require the district attorney for the 12th Judicial District to serve the remainder of the elected term, unless otherwise removed. Deletes proposed effective date.

SECTION 7.

Deletes proposed SECTION 7. Adds new SECTION 7 to provide that except as provided by Subsections (b) and (c) of this section, this Act takes effect September 1, 1997. Provides that this Act takes effect only if the 75th Legislature, Regular Session, 1997, makes an appropriation to fund the office of criminal district attorney of Madison County. Requires the executive director of the Legislative Budget Board to notify the comptroller regarding the appropriation. Provides that if no appropriation is made, this Act has no effect.