BILL ANALYSIS

DIGEST

Currently, attorneys that work for district attorney's offices are allowed to run for elected judgeship. Instances have arisen in which judges have reported difficulties resulting from this allowance. This bill establishes a statewide policy that district attorneys and assistant district attorneys are prohibited from running for an elected judicial office under certain conditions.

PURPOSE

As proposed, C.S.S.B. 1840 prohibits certain persons from running for an elected judicial office under certain conditions.

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 Chapter 43A, Government Code, by adding Section 43.005, as follows:

> Sec. 43.005. PROHIBITION ON RUNNING FOR ELECTED JUDICIAL OFFICE IN CERTAIN COUNTIES. Prohibts a district attorney or an assistant district attorney serving in a county with a population of more than one million in which the principal municipality has a population of less than 900,000 from running for an elected judicial office while serving as district attorney or assistant district attorney. Authorizes a district attorney to grant a leave of absence to an assistant district attorney for the purpose of running for an elected judicial office.

SECTION 2.   Effective date: September 1, 1997.

SECTION 3.   Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

> Amends Chapter 43A, Government Code, to add proposed Section 43.005, relating to the prohibition on running for elected office in certain counties. Omits proposed Section 41.110, Government Code, relating to the prohibition on running for elected judicial office.

SECTION 2.

> Omits proposed Section 180.004, Local Government Code, relating to certain municipal employees prohibited from running for elected judicial office. Redesignates SECTIONS 3 and 4 as SECTIONS 2 and 3, respectively.