

## **BILL ANALYSIS**

Senate Research Center  
78R 7681 SLO-D

H.B. 2937  
By: Phillips (Estes)  
Jurisprudence  
5/20/2003  
Engrossed

### **DIGEST AND PURPOSE**

Grayson County is one of few counties in Texas in which the county attorney has felony jurisdiction. The district attorney is generally thought of as the felony prosecutor. This often causes confusion by the public as well as other law enforcement agencies and public officials outside Grayson County as to the jurisdiction of the county attorney.

HB 2937 abolishes the office of county attorney of Grayson County and creates the office of the Grayson County criminal district attorney effective January 1, 2005.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Section 44.001, Amends Government Code, is amended as follows:

Sec. 44.001. ELECTION. Provides that the voters of certain counties including Grayson elect a criminal district attorney.

SECTION 2. Amends Subchapter B, Chapter 44, Government Code, by adding Section 44.191 as follows:

Sec. 44.191. GRAYSON COUNTY. (a) Requires the criminal district attorney to attend each term and session of the district courts in Grayson County and each term and session of the inferior courts of the county held for the transaction of criminal business and to exclusively represent the state in all criminal matters before those courts.

(b) Requires the criminal district attorney to perform the duties conferred by law on county and district attorneys in the various counties and districts.

(c) Requires the criminal district attorney to collect the fees, commissions, and perquisites that are provided by law for similar services rendered by a district or county attorney.

(d) Provides that the criminal district attorney is entitled to receive in equal monthly installments compensation from the state equal to the amount paid by the state to district attorneys. Requires the state compensation to be paid by the comptroller as appropriated by the legislature.

(e) Provides that a vacancy in the office of criminal district attorney is filled by appointment by the Commissioners Court of Grayson County. Provides that the appointee holds office until the next general election.

SECTION 3. Amends Section 46.002, Government Code, as follows:

Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. Provides that this chapter

applies to the criminal district attorneys for certain counties including Grayson and to the county attorneys performing the duties of district attorneys for the counties of Andrews, Callahan, Cameron, Castro, Colorado, Crosby, Ellis, Falls, Fannin, Freestone, Lamar, Lamb, Lampasas, Lee, Limestone, Marion, Milam, Morris, Ochiltree, Orange, Rains, Red River, Robertson, Rusk, Terry, Webb, and Willacy.

SECTION 4. Repealer: Section 45.191, Government Code.

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

SECTION 6. Requires the initial vacancy in the office of criminal district attorney of Grayson County on creation of the office, notwithstanding Section 41.010, Government Code, to be filled by election. Provides that the office of criminal district attorney of Grayson County exists for the purposes of the primary and general elections in 2004. Requires the qualified voters of the county to elect the initial criminal district attorney of Grayson County at the general election in 2004 for a four-year term beginning January 1, 2005. Provides that thereafter, the criminal district attorney of Grayson County is required to be elected for a four-year term as provided by Section 65, Article XVI, Texas Constitution. Provides that a vacancy after the initial vacancy is filled as provided by Section 44.191(e), Government Code, as added by this Act.

SECTION 7. (a) Effective date: January 1, 2004, except as provided by Subsection (b) of this section.

(b) Provides that Sections 4 and 5 of this Act take effect January 1, 2005.