

BILL ANALYSIS

Senate Research Center

S.B. 2037
By: Ogden
State Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, the Office of the Attorney General (office) is required to wait for a request from a prosecuting attorney before the office is authorized to assist that prosecuting attorney in a criminal matter. However, there are instances when prosecutors need the office's assistance and do not request such assistance. There are some limited circumstances provided for in various statutes that authorize the office to offer assistance to a prosecutor. A lack of time and/or resources should never prevent the prosecution of a case in any part of the state.

As proposed, S.B. 2037 authorizes the attorney general of Texas to offer assistance to a prosecutor regarding the prosecution of any criminal case. This bill does not require the prosecutor to accept the offer of assistance.

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. Amends Section 41.102(b), Government Code, as follows:

(b) Authorizes the attorney general to offer to the prosecuting attorney the assistance of his office in the prosecution of all manner of criminal cases or in performing any duty imposed by law on the prosecuting attorney. Authorizes a prosecuting attorney, in accepting such assistance, to appoint any assistant attorney general as an assistant prosecuting attorney.

SECTION 2. Effective date: upon passage or September 1, 2007.