

CHAPTER 294

S.B. No. 281

An Act relating to the creation of the constitutional office of criminal district attorney of Wichita County and to the abolition of the offices of county attorney of Wichita County and district attorney of the 30th Judicial District; amending Section 2, *Professional Prosecutors Act*, as amended (Article 332b-4, Vernon's Texas Civil Statutes), and Section 1, Article 322, Revised Statutes, as amended; repealing Chapter 232, Acts of the 53rd Legislature, Regular Session, 1953, as amended, and Chapter 403, Acts of the 55th Legislature, Regular Session, 1957, as amended (Articles 326k-25 and 326k-40, Vernon's Texas Civil Statutes).

Be it enacted by the Legislature of the State of Texas:

SECTION 1. CREATION. The constitutional office of criminal district attorney of Wichita County is created.

SECTION 2. QUALIFICATIONS; RESIDENCY REQUIREMENT. (a) The criminal district attorney must meet the qualifications, take the oath of office, and give the bond required of a district attorney by the constitution and general law of this state.

(b) The criminal district attorney must reside in Wichita County during the term of office.

SECTION 3. GENERAL POWERS AND DUTIES. (a) The criminal district attorney shall represent the state in all matters in the district and inferior courts in the county. The criminal district attorney shall perform the other duties that are conferred by general law on district and county attorneys in this state.

(b) The criminal district attorney shall collect the fees, commissions, and perquisites that are provided by law for similar services rendered by a district or county attorney in this state.

SECTION 4. COMMISSION. The governor shall commission the criminal district attorney.

SECTION 5. ELECTION. At the general election in 1986 and every fourth year thereafter, a criminal district attorney for Wichita County shall be elected to a regular four-year term as provided by Article V, Section 30, and Article XVI, Section 65, of the Texas Constitution.

SECTION 6. VACANCY. A vacancy in the office of criminal district attorney of Wichita County is filled by appointment by the governor, and the appointee serves until the next general election and until a successor is elected and has qualified.

SECTION 7. ABOLITION OF OFFICE OF COUNTY ATTORNEY. The office of county attorney of Wichita County is abolished.

SECTION 8. ABOLITION OF OFFICE OF DISTRICT ATTORNEY. The office of district attorney of the 30th Judicial District is abolished.

SECTION 9. PROFESSIONAL PROSECUTOR. Section 2, Professional Prosecutors Act, as amended (Article 332b-4, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 2. **DEFINITION.** In this Act, 'district attorney' means each of the district attorneys for the 2nd, 3rd, 9th, 12th, 21st, 26th, 27th, 29th, ~~[30th]~~ 31st, 32nd, 34th, 36th, 38th, 39th, 43rd, 47th, 51st, 52nd, 63rd, 64th, 66th, 69th, 70th, 75th, 76th, 81st, 85th, 90th, 97th, 105th, 106th, 118th, 119th, 145th, 155th, 159th, 173rd, 196th, 198th, 216th, 220th, 229th, 235th, 266th, and 271st Judicial Districts; the criminal district attorney in each of the counties of Bastrop, Bee, Bexar, Brazoria, Caldwell, Cass, Eastland, Fort Bend, Galveston, Gregg, Harrison, Hays, Hidalgo, Jackson, Jefferson, Kaufman, Lubbock, McLennan, Navarro, Randall, Rockwall, Smith, Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, *Wichita*, and Wood; the county attorney performing the duties of the district attorney in each of the counties of Andrews, Cameron, Castro, Falls, Fannin, Freestone, Grayson, Limestone, Morris, Ochiltree, Red River, Robertson, Rusk, and Willacy; and the county attorney or criminal district attorney, as the case may be, of Denton County."

SECTION 10. CONFORMING AMENDMENT. Section 1, Article 322, Revised Statutes, as amended, is amended to read as follows:

"Section 1. The following Judicial Districts in this state shall each respectively elect a District Attorney, viz.: 1st, 2nd, 3rd, 5th, 7th, 8th, 9th, 12th, 21st, 22nd, 23rd, 24th, 25th, 27th, 29th, ~~[30th]~~ 31st, 32nd, 33rd, 34th, 35th, 36th, 38th, 39th, 46th, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd, 64th, 69th, 70th, 72nd, 76th, 79th, 81st, 83rd, 90th, 100th, and 106th."

SECTION 11. REPEALER. Chapter 232, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 326k-25, Vernon's Texas Civil Statutes), and Chapter 403, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 326k-40, Vernon's Texas Civil Statutes), are repealed.

SECTION 12. INITIAL APPOINTMENT OF CRIMINAL DISTRICT ATTORNEY. The governor shall appoint a criminal district attorney of Wichita County, who shall hold office until the next general election and until a successor is elected and has qualified.

SECTION 13. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on February 25, 1985, by a viva-voce vote; passed the House on May 17, 1985, by a non-record vote.

Approved: June 7, 1985

Effective: August 26, 1985