

CHAPTER 114

S.B. No. 630

An Act relating to the creation of the constitutional office of criminal district attorney of Anderson County and abolishing the offices of district attorney of the 3rd Judicial District and county attorney of Anderson County; amending Section 2, Professional Prosecutors Act, as amended (Article 332b-4, Vernon's Texas Civil Statutes); Section 4, Chapter 12, Page 176, General Laws, Acts of the 46th Legislature, Regular Session, 1939 (Subdivision 87, Article 199, Vernon's Texas Civil Statutes); Section 1, Article 322, Revised Statutes, as amended; and Subsections (a) and (e), Section 1, Chapter 508, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 5139AAA, Vernon's Texas Civil Statutes); and repealing certain statutes.

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

SECTION 1. ELECTION. The voters of Anderson County elect a criminal district attorney.

SECTION 2. QUALIFICATIONS. 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. The minimum age requirement for the office of the criminal district attorney of Anderson County must be at least 30 years of age.

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. ELECTION. At the general election in 1986 and every fourth year thereafter, a criminal district attorney 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 5. ABOLITION OF OFFICE OF COUNTY ATTORNEY. The office of county attorney of Anderson County is abolished.

SECTION 6. ABOLITION OF OFFICE OF DISTRICT ATTORNEY. The office of district attorney for the 3rd Judicial District is abolished.

SECTION 7. SUPPLEMENTAL COMPENSATION FOR CRIMINAL DISTRICT ATTORNEY. (a) In addition to the salary paid by the state, the criminal district attorney is entitled to supplemental compensation from the county set by the commissioners court in an amount determined as provided by this section.

(b) The supplemental compensation must be in an amount necessary for the total compensation of the criminal district attorney to equal at least 90 percent of the total salary, including supplements, paid to the judge of the 3rd Judicial District by the State of Texas and Anderson, Henderson, and Houston counties.

(c) The county supplement shall be paid in equal installments, twice monthly, from the officers' salary fund of the county.

SECTION 8. STAFF. (a) The criminal district attorney may appoint a staff composed of at least three assistant criminal district attorneys, and investigators, stenographers, clerks, and any other personnel that the commissioners court authorizes.

(b) Except as limited by this Act, the criminal district attorney, with the approval of the commissioners court, shall set the salary of the assistant criminal district attorneys, investigators, stenographers, clerks, and other personnel. The commissioners court shall pay staff salaries in equal installments twice a month from the county officers' salary fund.

(c) In addition to staff salaries, the commissioners court may allow the criminal district attorney, his assistants, and investigators necessary expenses that the commissioners court considers reasonable. The expenses shall be paid as provided by law for other claims of expenses by county employees.

SECTION 9. PRIVATE PRACTICE PROHIBITED. *The criminal district attorney may not engage in the private practice of law.*

SECTION 10. GIFTS AND GRANTS. The commissioners court may accept gifts and grants from any foundation, association, or political subdivision for the purpose of financing adequate and effective prosecution programs in the county. Municipalities within the county or district may allocate and grant the sums of money that their respective governing bodies approve to their county government for the support and maintenance of an effective prosecution program.

SECTION 11. INITIAL CRIMINAL DISTRICT ATTORNEY. On the effective date of this Act, the district attorney of the 3rd Judicial District shall be commissioned as the criminal district attorney of Anderson County, to serve in that office until the general election in 1986 and until his successor is elected and qualified.

SECTION 12. COUNTY ATTORNEY SERVING AS ASSISTANT CRIMINAL DISTRICT ATTORNEY. The person serving as county attorney on the effective date of this Act, who was appointed and is serving a two-year term, shall, by mutual consent and agreement between the county attorney and the criminal district attorney, be appointed an assistant criminal district attorney with duties and responsibilities assigned by the criminal district attorney. The assistant criminal district attorney appointed under this section is entitled to receive a salary that is at least equal to the salary he would have received as county attorney and is entitled to the same tenure as an assistant criminal district attorney that he would have had as county attorney. After the initial appointment, the assistant criminal district attorney appointed under this section serves by appointment of and at the pleasure of the criminal district attorney, with the approval of the commissioners court.

SECTION 13. INITIAL YEAR ADDITIONAL LEGAL STAFF COMPENSATION. The commissioners court shall appropriate a sum of not more than \$120,000 for the initial year of operation of the office of criminal district attorney to pay the additional legal staff.

SECTION 14. CONFORMING AMENDMENT. 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, 271st, 349th, and 355th Judicial Districts; the criminal district attorney in each of the counties of Anderson, 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, 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, Ochiltrie, Red River, Robertson, Rusk, and Willacy; and the county attorney or criminal district attorney, as the case may be, of Denton County."

SECTION 15. CONFORMING AMENDMENT. Section 4, Chapter 12, Page 176, General Laws, Acts of the 46th Legislature, Regular Session, 1939 (Subdivision 87, Article 199, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 4. (a) The District Attorney of the 12th Judicial District now elected and acting, shall represent the State in all criminal and civil actions in which the State is interested, arising in the 87th Judicial District of Leon County, Texas.

"(b) [~~In Anderson County, the District Attorney of the Third Judicial District now elected and acting, shall continue to represent the State in all criminal and civil actions in which the State is interested, arising in the 87th District Court of said County.~~] In Freestone and Limestone Counties, the County Attorney of each county shall continue to represent the State in all criminal and civil actions in which the State is interested, arising in the 87th Judicial District in said counties respectively."

SECTION 16. 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 17. CONFORMING AMENDMENT. Subsections (a) and (e), Section 1, Chapter 508, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 5139AAA, Vernon's Texas Civil Statutes), are amended to read as follows:

"(a) The Juvenile Board of Anderson County is created. The board consists of the County Judge of Anderson County, the judges of the district courts in Anderson County, [~~the District Attorneys for the district courts in Anderson County,~~] and the *Criminal District [County]* Attorney of Anderson County. The commissioners court by order may add the judge of the County Court at Law of Anderson County as a member of the juvenile board. The judge of the court which is designated as the juvenile court of the county shall be chairman of the board and its chief administrative officer."

"(e) The *Criminal District [County]* Attorney of Anderson County has the duty to file, prosecute, and try on behalf of the state all juvenile cases in the Juvenile Court of Anderson County. [~~In the event the county attorney is ill or unable for any reason to perform that duty, the District Attorney for the 3rd Judicial District or the District Attorney for the 173rd Judicial District shall perform the duty when called on by the Judge of the Juvenile Court of Anderson County.~~]"

SECTION 18. REPEALER. The following statutes are repealed:

(1) Section 24, Chapter 889, Acts of the 68th Legislature, Regular Session, 1983 (Article 326k-87, Vernon's Texas Civil Statutes); and

(2) Chapter 791, Acts of the 61st Legislature, Regular Session, 1969 (Article 326l-3, Vernon's Texas Civil Statutes).

SECTION 19. EFFECTIVE DATE. This Act takes effect January 1, 1986.

SECTION 20. 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 March 21, 1985, by the following vote: Yeas 30, Nays 0; Senate concurred in House amendment on May 7, 1985, by the following vote: Yeas 31, Nays 0; passed the House, with amendment, on May 2, 1985, by the following vote: Yeas 138, Nays 0, one present not voting.

Approved: May 17, 1985

Effective: January 1, 1986