

CHAPTER 493

S.B. No. 477

AN ACT

relating to the powers and duties of the prosecutors for the state and county in El Paso County.

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

SECTION 1. Section 43.120, Government Code, is amended to read as follows:

Sec. 43.120. 34TH JUDICIAL DISTRICT. (a) The voters of the 34th Judicial District elect a district attorney.

(b) The district attorney for the 34th Judicial District also acts as district attorney for the 41st, 65th, 120th, and 171st judicial districts and represents the state in all criminal cases before every district court having jurisdiction in El Paso County.

(c) *The district attorney represents the state in all criminal cases pending in the inferior courts having jurisdiction in El Paso County.*

(d) The commissioners courts of Culberson and Hudspeth counties shall each pay to El Paso County \$100 a month to be expended, on sworn claims of the district attorney approved by the Commissioners Court of El Paso County, for the preparation and conduct of criminal affairs of the district attorney's office.

(e) [(d)] For the purpose of conducting his office, the district attorney may appoint two first assistant district attorneys, or one first assistant district attorney and one first assistant administrative district attorney, and the other assistant district attorneys that are necessary to the proper performance of the district attorney's duties.

(f) [(e)] The assistants and other employees of the district attorney are compensated by the Commissioners Court of El Paso County. The Commissioners Court of El Paso County must approve the number of assistants and other employees appointed and the amount of compensation of those employees.

SECTION 2. Subchapter B, Chapter 45, Government Code, is amended by adding Section 45.171 to read as follows:

Sec. 45.171. EL PASO COUNTY. (a) It is the primary duty of the county attorney in El Paso County or his assistants to represent the state, El Paso County, and the officials of El Paso County in all civil matters pending before the courts of El Paso County and any other courts in which the state, the county, or the officials of the county have matters pending.

(b) The county attorney has the powers, duties, and privileges relating to the prosecution of misdemeanors that relate to health and environmental matters and that relate to the prosecution of misdemeanors under Section 32.42, Penal Code.

(c) At the request of the district attorney, the county attorney may assist the district attorney in criminal cases in El Paso County.

(d) The county attorney in El Paso County performs the duty of collecting and processing checks and similar sight orders as provided under Article 102.007, Code of Criminal Procedure, and prosecutes misdemeanors where a check or sight order is the instrument by which the misdemeanor is committed.

SECTION 3. Section 54.752, Government Code, is repealed.

SECTION 4. This Act takes effect October 1, 1993.

SECTION 5. 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 18, 1993, by a viva-voce vote; passed the House on May 19, 1993, by a non-record vote.

Approved June 3, 1993.

Effective Oct. 1, 1993.