

CHAPTER 60

S.B. No. 591

AN ACT

relating to the creation of the constitutional office of criminal district attorney of Polk County and to the abolition of the office of county attorney in that county and the election of a criminal district attorney in certain counties.

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

SECTION 1. Subsection (a), Section 43.105, Government Code, is amended to read as follows:

(a) The voters of *Montgomery, San Jacinto, and Waller counties* [~~the 9th Judicial District~~] elect a district attorney *for the 9th Judicial District who represents the state in that district court only in those counties.* The district attorney also acts as district attorney for [~~in Montgomery, Polk, and San Jacinto counties of~~] the Second 9th Judicial District *in Montgomery and San Jacinto counties.*

SECTION 2. Subsection (a), Section 43.171, Government Code, is amended to read as follows:

(a) The voters of *San Jacinto and Trinity counties* [~~the 258th Judicial District~~] elect a district attorney *for the 258th Judicial District who represents the state in that district court only in those counties.* The [~~In addition to exercising the duties and authority provided by general law for district attorneys, the~~] district attorney *also represents the state in all felony cases before the Second 9th [258th] District Court in [Polk, San Jacinto, and] Trinity County [counties].*

SECTION 3. Section 44.001, Government Code, is amended to read as follows:

Sec. 44.001. ELECTION. The voters of each of the following counties elect a criminal district attorney: *Anderson, Bastrop, Bexar, Bowie, Brazoria, Caldwell, Calhoun, Cass, Collin, Dallas, Deaf Smith, Denton, Eastland, Fort Bend, Galveston, Gregg, Harrison, Hays, Hidalgo, Jackson, Jasper, Jefferson, Kaufman, Lubbock, McLennan, Navarro, Polk, Randall, Rockwall, Smith, Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, Wichita, [and] Wood, and Yoakum.*

SECTION 4. Subchapter B, Chapter 44, Government Code, is amended by adding Section 44.287 to read as follows:

Sec. 44.287. POLK COUNTY. (a) The criminal district attorney shall attend each term and session of the 9th, second 9th, and 258th district courts of Polk County and each term and session of the inferior courts held for the transaction of criminal business and shall exclusively represent the state in all criminal matters before those courts.

(b) The criminal district attorney shall perform the duties conferred by general law on district and county attorneys in this state.

(c) 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.

(d) The Commissioners Court of Polk County shall pay the criminal district attorney an annual salary that is at least equal to 90 percent of the total salary paid by the state to a district judge in Polk County. The state is not obligated to pay any portion of the salary of the criminal district attorney or any other expenses paid to district attorneys by the state. Subchapter C, Chapter 41, and Section 43.001 do not apply to the criminal district attorney or to Polk County.

(e) The criminal district attorney, to conduct the affairs of the office, may appoint and employ a staff as the Commissioners Court of Polk County authorizes. The commissioners court shall pay the salaries of the staff and the necessary operating expenses of the office from county funds.

(f) The criminal district attorney may not engage in the private practice of law.

SECTION 5. The office of county attorney of Polk County is abolished.

SECTION 6. The governor shall appoint, with the advice and consent of the senate, a criminal district attorney of Polk County, who holds office until the next general election and until a successor is elected and has qualified.

SECTION 7. This Act takes effect September 1, 1987.

SECTION 8. 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 April 9, 1987, by the following vote: Yeas 31, Nays 0. Passed the House on April 23, 1987, by a non-record vote.

Approved May 6, 1987.

Effective Sept. 1, 1987.