

## **BILL ANALYSIS**

Senate Research Center

H.B. 1965  
By: Kuempel (Wentworth)  
Jurisprudence  
4-29-97  
Engrossed

### **DIGEST**

Currently, Comal County is served by both a county attorney's office and a district attorney's office. The Comal County Commissioners Court has requested the consolidation of the county attorney's office and the district attorney's office by creating the office of criminal district attorney of Comal County. A single office will eliminate the overlapping duties of both the county and the district attorneys and thus, be both cost-effective and efficient. This bill will abolish the offices of district attorney for the 22nd Judicial District and the county attorney for Comal County and create the office of criminal district attorney for Comal County.

### **PURPOSE**

As proposed, H.B. 1965 abolishes the offices of district attorney for the 22nd Judicial District and the county attorney for Comal County and creates the office of criminal district attorney for Comal County.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 44.001, Government Code, to provide that the voters of Comal County elect a criminal district attorney.

SECTION 2. Amends Chapter 44B, Government Code, by adding Section 44.146, as follows:

Sec. 44.146. COMAL COUNTY. Sets forth qualifications for the criminal district attorney of Comal County. Provides that the criminal district attorney has all the powers, duties, and privileges in Comal County that are conferred by law on county and district attorneys in the various counties and districts. Requires the criminal district attorney to collect the fees, commissions, and perquisites that are provided by law for similar services rendered by a district or county attorney. Requires the criminal district attorney, with the approval of the commissioners court, to appoint an assistant district attorney and other personnel necessary to the proper performance of the district attorney's duties. Requires the commissioners court to pay the salaries of the staff and necessary operating expenses of the office from county funds. Requires the criminal district attorney, with the advice and consent of the commissioners court, to designate one or more individuals to act as assistant criminal district attorney with exclusive responsibility for assisting the commissioners court.

SECTION 3. Amends Section 46.002, Government Code, to delete a provision that this chapter applies to the district attorney for the 22nd Judicial District. Provides that this chapter applies to the criminal district attorney for Comal County.

SECTION 4. Abolishes the office of county attorney of Comal County.

SECTION 5. Repealer: Section 43.109, Government Code (22nd Judicial District).

SECTION 6. Effective date: September 1, 1997.

SECTION 7. Emergency clause.