

BILL ANALYSIS

Senate Research Center

S.B. 1012
By: Ogden
Finance
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As Filed

DIGEST

Currently, Madison and Leon counties share a district attorney. Recent years have seen a growth in crime as well as population in the counties and as a result there is a back-log of cases. This bill would create the office of criminal district attorney of Madison County and abolish the office of county attorney of Madison County as well as the jurisdiction of the district attorney for the 12th Judicial District in Madison County.

PURPOSE

As proposed, S.B. 1012 creates the office of criminal district attorney of Madison 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 Sections 43.106(a), (c), and (d), Government Code, to provide that the voters of Leon County, rather than the voters of Madison and Leon counties, elect a district attorney for the 12th Judicial District who represents the state in that district court only in Leon County, rather than in those counties. Authorizes the district attorney, with the consent of the Commissioners Court, rather than commissioners courts, of Leon County, rather than the counties comprising the district, to appoint a deputy district attorney. Authorizes the Commissioners Court of Leon County to pay the salary and traveling expenses of the deputy district attorney from the officers' salary fund, rather than from the officers' salary funds of the counties proportionately according to the population of each of the counties. Makes conforming changes.

SECTION 2. Amends Section 44.001, Government Code, to provide that the voters of Madison County elect a criminal district attorney.

SECTION 3. Amends Chapter 44B, Government Code, by adding Section 44.257, as follows:

Sec. 44.257. MADISON COUNTY. Provides that the criminal district attorney of Madison County has all the powers, duties, and privileges in Madison County that are conferred by law on district and county attorneys. Requires the criminal district attorney to collect the fees, commissions, and perquisites provided by law for similar services rendered by a district or county attorney.

SECTION 4. Amends Section 46.002, Government Code, to make conforming changes.

SECTION 5. Provides that the office of county attorney of Madison County is abolished.

SECTION 6. Requires, notwithstanding Section 41.010, Government Code, the initial vacancy in the office of criminal district attorney of Madison County on creation of the office to be filled by election. Provides that the office of criminal district attorney of Madison County exists for the purposes of the primary and general elections in 1998. Requires the qualified voters of the county to elect the initial criminal district attorney of Madison County at the general election in 1998 for a four-year term beginning January 1, 1999. Sets forth provisions in effect thereafter. Provides that

this section takes effect September 1, 1997.

SECTION 7. Effective date: January 1, 1999.

SECTION 8. Emergency clause.