

BILL ANALYSIS

Senate Research Center
79R3704 YDB-D

S.B. 441
By: Madla
Jurisprudence
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

In 1979, the 66th Legislature passed the Professional Prosecutors Act (Act). The purpose of the Act was to encourage felony prosecutors, many of whom maintained private law practices to make ends meet, to concentrate exclusively on their work for the state. This was done by setting the professional prosecutor's salary at 90 percent of a district judge's salary, and the non-professional prosecutor's salary at 80 percent of a district judge's salary. When the Act was initially passed, about 50 percent of the state's felony prosecutors opted into the Act. Today, all but 13 of the 155 felony prosecutors' offices in Texas are included in the Act.

As proposed, S.B. 441 amends existing law to include the district attorney for the 112th judicial district in the Professional Prosecutors Act.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 46.002, Government Code, as follows:

Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. Provides that application of this chapter includes the district attorneys for the 112th judicial district.

SECTION 2. Amends Section 43.152, Government Code, as follows:

Sec. 43.152. 112TH JUDICIAL DISTRICT. Deletes existing text authorizing the commissioners court of one or more of the counties comprising the district to supplement the state salary of the district attorney by an additional salary of \$ 4,800 a year and authorizing the supplemental salary to be paid from the officers' salary funds of the counties, if adequate, and from the general fund of the county, when the officers' salary funds are inadequate.

SECTION 3. Effective date: September 1, 2005.