

1 AN ACT

2 relating to the creation of the office of criminal district  
3 attorney of Fannin County and to the abolition of the office of  
4 county attorney of Fannin County.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 44.001, Government Code, is amended to  
7 read as follows:

8 Sec. 44.001. ELECTION. The voters of each of the following  
9 counties elect a criminal district attorney: Anderson, Austin,  
10 Bastrop, Bexar, Bowie, Brazoria, Caldwell, Calhoun, Cass, Collin,  
11 Comal, Dallas, Deaf Smith, Denton, Eastland, Fannin, Galveston,  
12 Grayson, Gregg, Harrison, Hays, Hidalgo, Jackson, Jasper,  
13 Jefferson, Kaufman, Lubbock, McLennan, Madison, Navarro, Newton,  
14 Panola, Polk, Randall, Rockwall, San Jacinto, Smith, Tarrant,  
15 Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller,  
16 Wichita, Wood, and Yoakum.

17 SECTION 2. Subchapter B, Chapter 44, Government Code, is  
18 amended by adding Section 44.174 to read as follows:

19 Sec. 44.174. FANNIN COUNTY. (a) The criminal district  
20 attorney shall attend each term and session of the district courts  
21 in Fannin County and each term and session of the inferior courts of  
22 the county held for the transaction of criminal business and shall  
23 exclusively represent the state in all criminal matters before  
24 those courts.

1           (b) The criminal district attorney shall perform the duties  
2 conferred by law on county and district attorneys in the various  
3 counties and districts.

4           (c) The criminal district attorney shall collect the fees,  
5 commissions, and perquisites that are provided by law for similar  
6 services rendered by a district or county attorney.

7           (d) The criminal district attorney is entitled to receive in  
8 equal monthly installments compensation from the state equal to the  
9 amount paid by the state to district attorneys. The state  
10 compensation shall be paid by the comptroller as appropriated by  
11 the legislature.

12           SECTION 3. Effective January 1, 2009, Section 46.002,  
13 Government Code, is amended to read as follows:

14           Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter  
15 applies to all county prosecutors and to the following state  
16 prosecutors:

17           (1) the district attorneys for the 1st, 2nd, 8th, 9th,  
18 12th, 18th, 21st, 23rd, 25th, 26th, 27th, 29th, 31st, 32nd, 33rd,  
19 34th, 35th, 36th, 38th, 42nd, 43rd, 47th, 49th, 50th, 51st, 52nd,  
20 53rd, 63rd, 64th, 66th, 69th, 70th, 76th, 81st, 83rd, 84th, 85th,  
21 88th, 90th, 97th, 100th, 105th, 106th, 110th, 112th, 118th, 119th,  
22 123rd, 142nd, 145th, 156th, 159th, 173rd, 196th, 198th, 216th,  
23 220th, 229th, 235th, 253rd, 258th, 259th, 266th, 268th, 271st,  
24 278th, 286th, 329th, 344th, 349th, and 355th judicial districts;

25           (2) the criminal district attorneys for the counties  
26 of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell,  
27 Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland,

1 Fannin, Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo,  
2 Jasper, Jefferson, Kaufman, Lubbock, McLennan, Madison, Navarro,  
3 Newton, Panola, Polk, Randall, Rockwall, San Jacinto, Smith,  
4 Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker,  
5 Waller, Wichita, Wood, and Yoakum; and

6 (3) the county attorneys performing the duties of  
7 district attorneys in the counties of Andrews, Callahan, Cameron,  
8 Castro, Colorado, Crosby, Ellis, Falls, [~~Fannin~~] Freestone,  
9 Lamar, Lamb, Lampasas, Lee, Limestone, Marion, Milam, Morris,  
10 Ochiltree, Orange, Rains, Red River, Robertson, Rusk, Terry, Webb,  
11 and Willacy.

12 SECTION 4. The office of county attorney of Fannin County is  
13 abolished on January 1, 2009.

14 SECTION 5. Notwithstanding Section 41.010, Government  
15 Code, the initial vacancy in the office of criminal district  
16 attorney of Fannin County on creation of the office shall be filled  
17 by election. The office of criminal district attorney of Fannin  
18 County exists only for the purposes of the primary and general  
19 elections in 2008. The qualified voters of the county shall elect  
20 the initial criminal district attorney of Fannin County at the  
21 general election in 2008 for a four-year term beginning January 1,  
22 2009. Thereafter, the criminal district attorney of Fannin County  
23 shall be elected for a four-year term as provided by Section 30,  
24 Article V, Texas Constitution. A vacancy after the initial vacancy  
25 is filled as provided by Section 12, Article IV, Texas  
26 Constitution.

27 SECTION 6. This Act takes effect January 1, 2008.

David Newkirk  
President of the Senate

Tom Craddick  
Speaker of the House

I certify that H.B. No. 421 was passed by the House on April 5, 2007, by the following vote: Yeas 137, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 421 on May 15, 2007, by the following vote: Yeas 137, Nays 0, 2 present, not voting.

Robert Haney  
Chief Clerk of the House

I certify that H.B. No. 421 was passed by the Senate, with amendments, on May 11, 2007, by the following vote: Yeas 31, Nays 0.

Patsy Saw  
Secretary of the Senate

APPROVED: 15 JUN 07

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
3 PM O'CLOCK  
JUN 15 2007  
Roger Williams  
Secretary of State