

1-1 By: Hughes S.B. No. 1927  
 1-2 (In the Senate - Filed March 8, 2023; March 20, 2023, read  
 1-3 first time and referred to Committee on State Affairs;  
 1-4 March 30, 2023, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 8, Nays 2; March 30, 2023,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13		X		
1-14		X		
1-15	X			
1-16	X			
1-17			X	
1-18	X			
1-19	X			

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 1927 By: Hughes

1-21 A BILL TO BE ENTITLED  
 1-22 AN ACT

1-23 relating to the appointment, duties, and removal of the state  
 1-24 prosecuting attorney.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. The heading to Section 42.001, Government Code,  
 1-27 is amended to read as follows:

1-28 Sec. 42.001. OFFICE; DUTIES; QUALIFICATIONS.

1-29 SECTION 2. Section 42.001, Government Code, is amended by  
 1-30 amending Subsection (a) and adding Subsection (a-1) to read as  
 1-31 follows:

1-32 (a) The supreme court [~~of criminal appeals~~] shall appoint a  
 1-33 state prosecuting attorney.

1-34 (a-1) The state prosecuting attorney:

1-35 (1) shall ~~to~~ represent the state in all proceedings  
 1-36 before the court of criminal appeals;

1-37 (2) [~~The state prosecuting attorney~~] may [~~also~~]  
 1-38 represent the state in any stage of a criminal case before a state  
 1-39 court of appeals if the attorney [~~he~~] considers it necessary for the  
 1-40 interest of the state; and

1-41 (3) may exercise concurrent jurisdiction to represent  
 1-42 the state in the district and inferior courts in this state in a  
 1-43 criminal case in which the criminal conduct alleged relates to:

1-44 (A) a violation of this state's election laws;

1-45 (B) a violation of this state's abortion laws,  
 1-46 including Chapters 170A and 171, Health and Safety Code, and  
 1-47 Chapter 6-1/2, Title 71, Revised Statutes; or

1-48 (C) an offense under Chapter 20A, 36, or 39,  
 1-49 Penal Code.

1-50 SECTION 3. Section 42.004, Government Code, is amended to  
 1-51 read as follows:

1-52 Sec. 42.004. REMOVAL. The supreme court [~~of criminal~~  
 1-53 ~~appeals~~] may remove state prosecuting attorneys from office for  
 1-54 good cause.

1-55 SECTION 4. The changes in law made by this Act apply only to  
 1-56 a state prosecuting attorney who is appointed on or after the  
 1-57 effective date of this Act. A state prosecuting attorney appointed  
 1-58 before the effective date of this Act continues to serve for the  
 1-59 term to which the state prosecuting attorney was appointed unless  
 1-60 otherwise removed as provided by law.

2-1 SECTION 5. (a) Notwithstanding any other section of this  
2-2 Act, in a state fiscal year, the state prosecuting attorney is not  
2-3 required to implement a mandatory provision in another section of  
2-4 this Act imposing a duty on the state prosecuting attorney to take  
2-5 an action unless money is specifically appropriated to the state  
2-6 prosecuting attorney for that fiscal year to carry out that duty.  
2-7 The state prosecuting attorney may implement the provision in that  
2-8 fiscal year to the extent other funding is available to the state  
2-9 prosecuting attorney for the implementation.

2-10 (b) If, as authorized by Subsection (a) of this section, the  
2-11 state prosecuting attorney does not implement the mandatory  
2-12 provision in a state fiscal year, the state prosecuting attorney,  
2-13 in the state prosecuting attorney's legislative budget request for  
2-14 the next state fiscal biennium, shall certify that fact to the  
2-15 Legislative Budget Board and include a written estimate of the  
2-16 costs of implementing the provision in each year of that next state  
2-17 fiscal biennium.

2-18 (c) This section expires and any duty suspended by  
2-19 Subsection (a) of this section becomes mandatory on September 1,  
2-20 2027.

2-21 SECTION 6. This Act takes effect September 1, 2023.

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