



FLOOR AMENDMENT NO. \_\_\_\_\_

BY:

DUNNAM

Amend C.S.H.B. No. 427 as follows:

(1) On page 2, line 16, between the period and "In", insert "(a)".

(2) On page 2, strike lines 18 thru 20 and substitute "district attorney for the 201st Judicial District shall prosecute an offense".

(3) On page 2, between lines 22 and 23, insert the following:

"(b) (1) The district attorney for the 201st Judicial District is chosen as provided in Subdivision (2).

(2) (A) Each person named on the list maintained under Section 74.055, Government Code, who served as a judge of the Court of Criminal Appeals and did not fail to be renominated for election to that court is a member of the board of appointment for the 201st Judicial District.

(B) Whenever there is a vacancy in the office of district attorney for the 201st Judicial District, the judge of the 201st District Court, not later than the 10th day after the date the vacancy is created, shall summon each member of the board to the courthouse at which the court holds its sessions for the purpose of appointing the district attorney for the 201st Judicial District. The judge of the 201st District Court presides at meetings of the board until the board elects a presiding officer.

(C) The board shall appoint the district attorney for the 201st Judicial District. To be appointed district attorney, a person must be board-certified in criminal law by the Texas Board of Legal Specialization and may not have served as a public or private attorney for any public officer

1 nominated for election by a political party during the preceding  
2 10 years.

3 (D) The board's appointment shall be entered in  
4 the minutes of the 201st District Court. The person appointed  
5 district attorney qualifies by taking the oath required of state  
6 officials. The district attorney serves without bond. The oath  
7 shall be filed in the district clerk's office.

8 (E) The governor may not appoint a person to  
9 fill any vacancy in the office of district attorney of the 201st  
10 Judicial District pending the convening of the board of  
11 appointment.

12 (3) The district attorney for the 201st Judicial  
13 District is entitled to compensation equal to the compensation  
14 paid to a district judge in Travis County. The district  
15 attorney for the 201st Judicial District serves a term of four  
16 years.

17 (4) The district attorney for the 201st Judicial  
18 District may appoint assistant district attorneys. A person may  
19 not be appointed as an assistant district attorney under this  
20 subdivision if the person served as the employee of a public  
21 officer nominated for election by a political party during the  
22 preceding 10 years. Before beginning any duties, an assistant  
23 district attorney must take the official oath of office, which  
24 must be endorsed on his written appointment. An assistant  
25 district attorney serves without bond. The appointment and oath  
26 of an assistant district attorney shall be recorded and  
27 deposited in the district clerk's office.

28 (5) An investigator appointed by the district  
29 attorney for the 201st Judicial District has the same authority  
30 as the sheriff of a county to make arrests anywhere in any  
31 county of the state and to serve anywhere in the state warrants,

1 capiases, subpoenas in criminal cases, and all other processes  
2 in criminal cases issued by a district court, county court, or  
3 justice court of this state. An investigator is under the  
4 exclusive authority and direction of the district attorney for  
5 the 201st Judicial District and is not under the authority and  
6 direction of the sheriff. The district attorney for the 201st  
7 Judicial District is responsible for the official acts of  
8 investigators appointed under this subsection and has the same  
9 remedies against the investigators and their sureties as any  
10 person has against a prosecuting attorney and the prosecuting  
11 attorney's sureties. An investigator may not draw a fee of any  
12 character for performing a duty prescribe by this subsection.

13       (6) The commission shall pay the salaries of the  
14 district attorney for the 201st Judicial District and any  
15 assistant district attorneys and investigators from money  
16 appropriated or otherwise available to the commission, except to  
17 the extent that money to pay the salary is specifically  
18 appropriated or made available through the budget execution  
19 process for that purpose.

20       (7) A limit provided by appropriation on the amount  
21 of reimbursement that state officers or members of state boards  
22 and commissions may generally receive does not apply to  
23 reimbursement of the reasonable and necessary expenses incurred  
24 by the district attorney for the 201st Judicial District in the  
25 course of performing duties under this section.

26       (8) The reasonable and necessary expenses incurred by  
27 the district attorney for the 201st Judicial District in the  
28 course of performing duties under this section shall be paid  
29 from funds appropriated or otherwise available to the  
30 commission, except to the extent that money to pay those  
31 expenses is specifically appropriated or made available through

1 the budget execution process for that purpose.

2           (9) The department shall provide the district  
3 attorney for the 201st Judicial District with administrative  
4 services and investigative support. The administrative services  
5 and investigative support shall be paid from funds appropriated  
6 or otherwise available to the department or commission, except  
7 to the extent that money to pay those expenses is specifically  
8 appropriated or made available through the budget execution  
9 process for that purpose.

10           (10) Notwithstanding any other provision of law, the  
11 district attorney for the 201st Judicial District:

12           (A) may conduct any investigation concerning  
13 illegal or improper conduct by commission officers or employees  
14 jeopardizing the health, safety, and welfare of children in the  
15 commission's custody and related conduct if any conduct  
16 investigated by the district attorney is or reasonably could  
17 involve an element of an offense under Article 104.003(a), Code  
18 of Criminal Procedure; and

19           (B) may appear in any court in the state as  
20 necessary to enforce Article 104.003(a), Code of Criminal  
21 Procedure to ensure the health, safety, and welfare of children  
22 in the commission's custody or the protection of any  
23 whistleblower providing information about the commission's  
24 inability to ensure the health, safety and welfare of children  
25 in the commission's custody reasonably related to conduct  
26 constituting an element of an offense under Article 104.003(a),  
27 Code of Criminal Procedure.

28           (11) As used in this section:

29           (A) "Commission" means the Texas Youth  
30 Commission.

31           (B) "Department" means the Department of Public

1 Safety.

2           (12) The section expires September 1, 2011, and the  
3 office of district attorney for the 201st Judicial District is  
4 abolished on that date.".