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## FISCAL IMPACT REPORT

SPONSOR: Park DATE TYPED: 03/03/03 HB 771

SHORT TITLE: District Attorney Enforcement of Ordinances SB \_\_\_\_\_

ANALYST: Fox-Young

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
			Unknown		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

Responses Received From

Attorney General (AG)  
Department of Public Safety (DPS)

No Response

Administrative Office of the District Attorneys (AODA)  
Public Defender Department (PDD)

### SUMMARY

Synopsis of Bill

House Bill 771 provides that a district attorney, in a class A county containing a metropolitan court, may prosecute and defend municipal ordinances of any municipality in the district in any court in the district.

Significant Issues

The bill grants the Second Judicial District Attorney the authority to prosecute and defend municipal ordinances of municipalities located within the district.

The Attorney General (AG) notes that it not clear when a district attorney shall prosecute and defend municipal ordinances, since such actions are permissible but not required. The mechanics of arranging such prosecutions are also unclear, and the bill includes no provisions regarding

contracts between the district attorney and the municipalities. AG notes that in contrast, Paragraph (B) of the current law states explicitly that the district attorney's office and an Indian nation can enter into a contract regarding this exercise of authority.

The AG notes that payment cannot be made on a per conviction or per plea basis, since such a structure would constitute an impermissible governmental contingency fee arrangement.

The Department of Public Safety (DPS) notes that the provisions of the bill will clarify jurisdiction in the future, when class A counties prevent any issues of non-jurisdiction, in the future when Class A Counties consolidate.

### **FISCAL IMPLICATIONS**

Municipalities affected by the bill will likely experience an increase in collections from fines assessed.

**JCF/yr**