

By: Schofield

H.B. No. 2916

A BILL TO BE ENTITLED

AN ACT

relating to the enforcement of certain laws by the attorney general.

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

SECTION 1. This Act may be cited as the Rule of Law Enforcement Act.

SECTION 2. Subchapter B, Chapter 273, Election Code, is transferred to Title 1, Code of Criminal Procedure, redesignated as Chapter 2C, Code of Criminal Procedure, and amended to read as follows:

CHAPTER 2C [~~SUBCHAPTER B~~]. PROSECUTION OF CERTAIN OFFENSES BY ATTORNEY GENERAL

Art. 2C.001 [~~Sec. 273.021~~]. PROSECUTION BY ATTORNEY GENERAL AUTHORIZED. (a) The attorney general may prosecute:

(1) an [~~a criminal~~] offense prescribed by the election laws of this state; or

(2) an offense under:

(A) Subchapter A, Chapter 557, Government Code;

(B) Chapter 36 or 39, Penal Code; or

(C) Section 42.02 or 42.03, Penal Code.

(b) The attorney general may appear before a grand jury in connection with an offense the attorney general is authorized to prosecute under Subsection (a).

(c) The authority to prosecute prescribed by this chapter

1 ~~[subchapter]~~ does not affect the authority derived from other law
2 to prosecute the same offenses.

3 (d) This article does not affect the authority of the
4 attorney general to prosecute another offense under other law.

5 Art. 2C.002 [~~Sec. 273.022~~]. COOPERATION WITH LOCAL
6 PROSECUTOR. The attorney general may direct the county or district
7 attorney serving the county in which the offense is to be prosecuted
8 to prosecute an offense that the attorney general is authorized to
9 prosecute under Article 2C.001 [~~Section 273.021~~] or to assist the
10 attorney general in the prosecution.

11 Art. 2C.003 [~~Sec. 273.023~~]. SUBPOENA. (a) A subpoena or
12 subpoena duces tecum issued in connection with a prosecution under
13 this chapter [~~subchapter~~] is effective if served anywhere in this
14 state.

15 (b) A witness may not be punished for failure to comply with
16 a subpoena issued under this chapter [~~subchapter~~] unless the proper
17 fees are tendered to the witness as required by statute or court
18 rule.

19 (c) The attorney general may direct the Department of Public
20 Safety to serve a subpoena under this chapter [~~subchapter~~].

21 Art. 2C.004 [~~Sec. 273.024~~]. VENUE FOR ELECTION LAW
22 OFFENSES. An offense prescribed by the election laws of this state
23 [~~under this subchapter~~] may be prosecuted in the county in which the
24 offense was committed or an adjoining county. If the offense is
25 committed in connection with a statewide election, the offense may
26 be prosecuted in the county in which the offense was committed, an
27 adjoining county, or Travis County.

1 SECTION 3. Section 557.003(c), Government Code, is amended
2 to read as follows:

3 (c) The attorney general, a [A] district attorney, a
4 criminal district attorney, or a county attorney may bring an
5 action against an organization in a court of competent
6 jurisdiction. If the court finds that the organization has
7 violated Subsection (a), the court shall order:

8 (1) the organization dissolved;

9 (2) if the organization is incorporated in the state
10 or has a permit to do business in the state, the organization's
11 charter or permit revoked;

12 (3) all funds, records, and property of the
13 organization forfeited to the state; and

14 (4) all books, records, and files of the organization
15 turned over to the attorney general.

16 SECTION 4. Section 557.004(a), Government Code, is amended
17 to read as follows:

18 (a) A district court may, on application by the attorney
19 general, a district attorney, a criminal district attorney, or a
20 county attorney, order injunctive or other equitable relief
21 appropriate to enforce this subchapter.

22 SECTION 5. Section 39.015, Penal Code, is repealed.

23 SECTION 6. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2021.