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et al.

H.B. No. 45

A BILL TO BE ENTITLED

AN ACT

relating to the duty of the attorney general to represent the state  
in the prosecution of the criminal offense of trafficking of  
persons.

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

SECTION 1. Chapter 402, Government Code, is amended by  
adding Subchapter D to read as follows:

SUBCHAPTER D. PROSECUTION OF TRAFFICKING OF PERSONS OFFENSE

Sec. 402.101. APPLICABILITY. This subchapter applies to a  
criminal offense under Chapter 20A, Penal Code.

Sec. 402.102. PROVISION OF INFORMATION TO ATTORNEY GENERAL.

(a) A law enforcement agency that submits to a local prosecuting  
attorney a report stating there is probable cause to believe an  
identified person has committed a criminal offense described by  
Section 402.101 shall simultaneously submit a copy of that report  
to the attorney general.

(b) On request of the attorney general, a local prosecuting  
attorney or law enforcement agency shall provide all requested  
information that has not been made publicly available regarding  
investigations of a criminal offense described by Section 402.101  
to assist the attorney general in performing duties required under  
this subchapter.

Sec. 402.103. PROSECUTION. (a) Notwithstanding any other  
law, the attorney general has jurisdiction to prosecute and shall

1 represent the state in the prosecution of a criminal offense  
2 described by Section 402.101 if:

3 (1) a law enforcement agency submits a report  
4 described by Section 402.102(a) to the local prosecuting attorney  
5 and the attorney general; and

6 (2) six months have elapsed from the date the report  
7 was submitted and the local prosecuting attorney has not taken  
8 prosecutorial action to prosecute the offense.

9 (b) A local prosecuting attorney may file a motion in a  
10 district court objecting to the attorney general's representation  
11 of the state under Subsection (a) in the prosecution of a criminal  
12 offense described by Section 402.101. In response to a motion filed  
13 under this subsection, the court shall:

14 (1) make a finding as to whether the local prosecuting  
15 attorney has taken prosecutorial action to prosecute the offense;  
16 and

17 (2) if the court finds the local prosecuting attorney  
18 has not taken prosecutorial action to prosecute the offense, issue  
19 an order stating the attorney general shall represent the state in  
20 the prosecution of the offense.

21 SECTION 2. Chapter 20A, Penal Code, is amended by adding  
22 Section 20A.05 to read as follows:

23 Sec. 20A.05. PROSECUTION BY ATTORNEY GENERAL. The attorney  
24 general has jurisdiction to prosecute and shall represent the state  
25 in the prosecution of an offense under this chapter as provided by  
26 Section 402.103, Government Code.

27 SECTION 3. The changes in law made by this Act apply only to

1 an offense committed on or after the effective date of this Act. An  
2 offense committed before the effective date of this Act is governed  
3 by the law in effect on the date the offense was committed, and the  
4 former law is continued in effect for that purpose. For purposes of  
5 this section, an offense was committed before the effective date of  
6 this Act if any element of the offense occurred before that date.

7 SECTION 4. This Act takes effect September 1, 2025.