

Amend **HB 12** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Chapter 772, Government Code, is amended by designating Sections 772.001, 772.002, 772.003, 772.004, 772.005, 772.006, 772.0061, 772.007, 772.0071, 772.008, 772.009, 772.010 as reenacted and amended by Chapter 1215 (H.B. 925), Acts of the 79th Legislature, Regular Session, 2005, 772.010 as added by Chapter 429 (S.B. 1136), Acts of the 76th Legislature, Regular Session, 1999, 772.010 as added by Chapter 1339 (H.B. 564), Acts of the 76th Legislature, Regular Session, 1999, 772.0101, 772.0102, and 772.011 as Subchapter A and adding a subchapter heading to read as follows:

SUBCHAPTER A. PLANNING ENTITIES

SECTION 2. Sections 772.0071(a)(1), (2), and (4), Government Code, are amended to read as follows:

(1) "Border crime" means any crime involving transnational criminal activity that [~~occurs in the border region and that~~] undermines public safety or security, including an offense:

(A) during the prosecution of which an affirmative finding may be requested under Section 3g(a)(2), Article 42.12, Code of Criminal Procedure;

(B) under Chapter 19, 20, 20A, 21, 22, 46, 47, or 71, Penal Code;

(C) under Title 7 or 8, Penal Code;

(D) under Chapter 481, Health and Safety Code;

(E) committed by a person who is not a citizen or national of the United States and is not lawfully present in the United States; or

(F) that is coordinated with or related to activities or crimes that occur or are committed in the United Mexican States.

(2) "Border region" means the portion of this state that is located in a county that:

(A) is adjacent to[+]

[~~(A)~~] an international border; [~~or~~]

(B) is adjacent to a county described by

Paragraph (A); or

(C) is served by a prosecuting attorney whose jurisdiction includes a county described by Paragraph (A) or (B).

(4) "Eligible prosecuting attorney" means an attorney [~~in a border region~~] who represents the state in the prosecution of felonies and who:

(A) serves a county located in the border region;
or

(B) serves a county or counties that the criminal justice division determines to be significantly affected by border crime.

SECTION 3. Chapter 772, Government Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. BORDER PROSECUTION UNIT

Sec. 772.051. DEFINITIONS. In this subchapter:

(1) "Border crime" and "border region" have the meanings assigned by Section 772.0071.

(2) "Border prosecuting attorney" means a prosecuting attorney in a border region who represents the state in the prosecution of felony border crimes.

(3) "Criminal justice division" means the criminal justice division established under Section 772.006.

(4) "Prosecuting attorney" means a district attorney, criminal district attorney, or county attorney with felony criminal jurisdiction.

(5) "Unit" means the border prosecution unit.

Sec. 772.052. GENERAL FUNCTION OF BORDER PROSECUTION UNIT.

The governor shall establish the border prosecution unit within the criminal justice division to cooperate with and support members of the unit in prosecuting border crime.

Sec. 772.053. MEMBERSHIP. (a) The unit is composed of the following prosecuting attorneys:

(1) the district attorney for the 34th Judicial District;

(2) the district attorney for the 38th Judicial District;

(3) the district attorney for the 49th Judicial

District;

(4) the district attorney for the 63rd Judicial

District;

(5) the district attorney for the 79th Judicial

District;

(6) the district attorney for the 81st Judicial

District;

(7) the district attorney for the 83rd Judicial

District;

(8) the district attorney for the 112th Judicial

District;

(9) the district attorney for the 143rd Judicial

District;

(10) the district attorney for the 156th Judicial

District;

(11) the district attorney for the 229th Judicial

District;

(12) the district attorney for the 293rd Judicial

District;

(13) the district attorney for the 452nd Judicial

District;

(14) the criminal district attorney for Hidalgo

County;

(15) the county attorney with felony criminal

jurisdiction for Cameron County;

(16) the district attorney for Kleberg and Kenedy

Counties;

(17) the county attorney with felony criminal

jurisdiction for Willacy County; and

(18) any other prosecuting attorney who represents the

state in the prosecution of felonies for a judicial district that is

created by the legislature in the border region or who receives a

grant under the prosecution of border crime grant program

established under Section 772.0071.

(b) A prosecuting attorney described by Subsection (a) shall serve on the unit in addition to the other duties of the prosecuting attorney assigned by law.

(c) Each member of the unit shall enter into a memorandum of understanding with the criminal justice division to collaborate and cooperate in the prosecution of border crime.

Sec. 772.054. OFFICERS. (a) The unit, on a majority vote, shall elect from among its membership a presiding officer and an assistant presiding officer.

(b) The presiding officer and the assistant presiding officer serve terms of one year.

(c) The assistant presiding officer serves as presiding officer in the presiding officer's absence or if a vacancy occurs in that office until a new presiding officer is elected as provided by Subsection (d).

(d) If a vacancy occurs in the office of presiding officer or assistant presiding officer before the end of the vacating officer's term, the unit shall elect a person to serve the remainder of the term.

Sec. 772.055. REIMBURSEMENT FOR EXPENSES. A member of the unit is not entitled to compensation for service on the unit but is entitled to be reimbursed for necessary expenses incurred in carrying out the duties and responsibilities of a member of the unit as provided by the General Appropriations Act.

Sec. 772.056. DUTIES OF UNIT. (a) The unit shall meet at least once annually to provide the governor, the lieutenant governor, the speaker of the house of representatives, and the members of the legislature with information regarding:

(1) the status of border crime and its effect on prosecutorial resources;

(2) the border crimes prosecuted by members of the unit; and

(3) the number of border crimes that are committed by a person who is not lawfully present in the United States.

(b) The unit shall advise the criminal justice division on:

(1) the allocation of grants under the prosecution of border crime grant program established under Section 772.0071;

(2) the division of the border region into two or more subregions for training purposes; and

(3) any additional prosecutorial needs of the border

prosecuting attorneys, including a need for the employment of regional counsel described by Section 772.057 to assist with the prosecution of border crimes.

(c) The unit shall facilitate the coordination and collaboration of the border prosecuting attorneys with any regional counsel described by Section 772.057 and with other law enforcement agencies, including the Department of Public Safety, in the investigation and prosecution of border crime.

(d) The unit shall develop a nonexclusive list of offenses not otherwise described by Section 772.0071(a)(1) that constitute border crime to provide guidance and enhance uniformity in the investigation and prosecution of border crime.

(e) The unit shall serve as a clearinghouse for information related to the investigation and prosecution of border crime and shall develop best practices and guidelines, including best practices for the collection and protection of confidential law enforcement information.

(f) The unit shall assist in developing a training program and providing training to members of the unit and law enforcement agencies in the border region on specific issues and techniques relating to the investigation and prosecution of border crime.

(g) The unit shall develop accountability and performance measures for members of the unit who receive a grant under the prosecution of border crime grant program established under Section 772.0071.

Sec. 772.057. DUTIES OF REGIONAL COUNSEL. (a) An attorney employed by a border prosecuting attorney as regional counsel shall assist the border prosecuting attorneys and other regional counsel, as needed, in:

- (1) the prosecution of border crime;
- (2) the screening of cases involving border crime;
- (3) the presenting of cases involving border crime to a grand jury; and
- (4) the preparation and trial of cases involving border crime.

(b) The regional counsel shall serve as a liaison between the unit and other criminal justice entities, including the

Department of Public Safety and federal, state, and local prosecutors and law enforcement agencies located in the border region, by:

(1) working closely with those entities, as needed, to coordinate and assist in the investigation and prosecution of border crime; and

(2) attending multiagency task force hearings and meetings held by federal, state, and local prosecutors and law enforcement agencies on the investigation and prosecution of border crime.

(c) The regional counsel shall provide legal and technical assistance to law enforcement agencies investigating border crime, including by:

(1) providing legal advice and recommendations regarding Fourth Amendment search and seizure issues, relevant statutes, and case law;

(2) drafting and reviewing affidavits requesting the issuance of search warrants, wiretap orders, pen register and trap and trace orders, mobile tracking device orders, and similar court orders; and

(3) drafting requests for court orders authorizing:

(A) the interception of oral, wire, and electronic communications;

(B) the installation and use of a pen register or trap and trace device;

(C) the disclosure of subscriber or customer records and information; and

(D) other similar court orders that are required to be filed by a prosecutor.

(d) The regional counsel shall coordinate training with the unit for border prosecuting attorneys and law enforcement agencies, including by:

(1) assisting in identifying training needs in the county or subregion, if any is created, in which the border prosecuting attorney's office or the agency is located;

(2) assisting in the development of training curricula and guidelines for the investigation and prosecution of border

crime; and

(3) participating in and hosting training presentations and sessions in each subregion, if any is created.

(e) The regional counsel shall provide legal and technical assistance to border prosecuting attorneys, including by:

(1) performing legal research relating to investigating and prosecuting border crime, if requested; and

(2) coordinating with border prosecuting attorneys and law enforcement agencies to identify experts in the investigation and prosecution of complex, long-term cases against organized criminal enterprises.

Sec. 772.058. GIFTS AND GRANTS. The criminal justice division may apply for and accept gifts, grants, and donations from any organization described in Section 501(c)(3) or (4) of the Internal Revenue Code of 1986 for the purposes of funding any activity of the unit under this subchapter. The criminal justice division may apply for and accept grants under federal and state programs.

Sec. 772.059. EXPIRATION DATE. The unit is abolished and this subchapter expires on August 31, 2019.

SECTION 4. Section 772.0071(d), Government Code, is repealed.

SECTION 5. This Act takes effect September 1, 2015.