

By: Faircloth

H.B. No. 3965

A BILL TO BE ENTITLED

AN ACT

relating to the reporting of criminal offenses to prosecuting attorneys, to any failure by law enforcement agencies to properly consider those reports, and to allegations regarding a law enforcement officer's corruption or abuse of power.

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

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.33 to read as follows:

Art. 2.33. REPORTING CRIMINAL OFFENSES TO PROSECUTING ATTORNEYS. A person with knowledge of the commission of a criminal offense under the laws of this state may report the offense to any attorney who prosecutes criminal cases on behalf of the state. In investigating the report, the attorney may:

(1) refer the matter to:

(A) a law enforcement agency; or

(B) a court with jurisdiction over the offense;

(2) notify the public corruption unit described by Section 411.0207, Government Code, of any failure by a law enforcement agency to properly consider the person's report; or

(3) pursue any other action in the attorney's discretion.

SECTION 2. Sections 411.0207(b) and (d), Government Code, are amended to read as follows:

(b) A public corruption unit is created within the

1 department to investigate and assist in the management of  
2 allegations of corrupt activity, abuse of power, or participation  
3 in organized criminal activity by:

4 (1) an individual elected, appointed, or employed to  
5 serve as a peace officer for a governmental entity of this state  
6 under Article 2.12, Code of Criminal Procedure; or

7 (2) a federal law enforcement officer while performing  
8 duties in this state.

9 (d) On written approval of the director or of the chair of  
10 the commission, the highest-ranking officer of the Texas Rangers  
11 division of the department may initiate an investigation of an  
12 allegation of corrupt activity, abuse of power, or participation in  
13 organized criminal activity by a law enforcement officer described  
14 by Subsection (b)(1). Written approval under this subsection must  
15 be based on cause.

16 SECTION 3. This Act takes effect immediately if it receives  
17 a vote of two-thirds of all the members elected to each house, as  
18 provided by Section 39, Article III, Texas Constitution. If this  
19 Act does not receive the vote necessary for immediate effect, this  
20 Act takes effect September 1, 2017.