

By: Buckingham

S.B. No. 1293

A BILL TO BE ENTITLED

AN ACT

relating to a prohibition on requiring a gift or grant to be made to a district or county attorney or a commissioners court as a condition of a defendant's pretrial intervention agreement.

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

SECTION 1. Subchapter A, Chapter 41, Government Code, is amended by adding Section 41.016 to read as follows:

Sec. 41.016. REQUEST FOR GIFTS AND GRANTS FOR CERTAIN PURPOSES PROHIBITED. (a) In this section:

(1) "Pretrial intervention agreement" includes an agreement for the dismissal or reduction of a defendant's criminal charges.

(2) "Prosecutor" means a county attorney, district attorney, criminal district attorney, assistant county attorney, assistant district attorney, or assistant criminal district attorney.

(b) A prosecutor or a commissioners court may not include as a condition in a pretrial intervention agreement that the defendant or a person acting on behalf of the defendant make a gift or grant to the office or the court.

(c) Soliciting or accepting a gift or grant in connection with a defendant's pretrial intervention agreement constitutes a violation of Section 36.06(a)(2), Penal Code.

SECTION 2. Subchapter B, Chapter 45, Government Code, is

amended by adding Section 45.101 to read as follows:

Sec. 45.101. REQUEST FOR GIFT OR GRANT FOR CERTAIN PURPOSES PROHIBITED. (a) For purposes of this subchapter, a county attorney who is authorized to accept gifts or grants for the purpose of assisting the operation of the office of county attorney may not request or accept a gift or grant:

(1) as a condition of a defendant's pretrial intervention agreement; or

(2) in exchange for the dismissal or reduction of criminal charges brought against the defendant.

(b) A violation of this section constitutes a violation of Section 36.06(a)(2), Penal Code.

SECTION 3. This Act takes effect September 1, 2017.