

BILL ANALYSIS

C.S.S.B. 1257
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been noted that the Human Trafficking and Transnational Organized Crime Section is designed to fight back against the horrific crime of human trafficking in Texas through investigations, prosecutions, training, and raising awareness. It has been suggested that because human trafficking is prevalent throughout the state, all local and state resources should prioritize the eradication of these heinous crimes. There have been calls to enable the attorney general to investigate and prosecute criminal offenses involving human trafficking. C.S.S.B. 1257 seeks to bolster efforts to combat human trafficking in Texas by granting the attorney general full concurrent jurisdiction in certain multijurisdictional cases and concurrent jurisdiction following the county or district attorney's first right of refusal in single jurisdiction cases.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 1257 amends the Penal Code to authorize the attorney general to prosecute a trafficking of persons offense if the offense or any element of the offense:

- occurs in more than one county in Texas; or
- occurs in a county in Texas as well as in another state or country.

The bill authorizes the attorney general to prosecute any other offense that occurs in Texas and arises out of the same criminal episode as the trafficking of persons offense and to appear before a grand jury in connection with an offense the attorney general is authorized to prosecute under the bill's provisions. The authority to prosecute prescribed by these provisions expressly does not affect the authority derived from other law to prosecute the same offenses.

C.S.S.B. 1257 requires a local county or district attorney, not later than the 30th day after the date the local county or district attorney becomes aware of conduct that may constitute a trafficking of persons offense, to notify the attorney general in writing of the conduct and sets out the contents of the notice. The bill requires such an attorney who determines that the attorney will not pursue a criminal investigation of the applicable conduct or will not prosecute a criminal charge in relation to that conduct to notify the attorney general of that determination not later than the 30th day after the date of the determination. The bill authorizes the attorney general, on receipt of the notice, to begin a criminal investigation of the applicable conduct and to prosecute any trafficking of persons offense relating to the attorney general's investigation of that conduct

and any other offense arising out of the same criminal episode. These provisions expressly do not apply to the prosecution of a multijurisdictional trafficking of persons offense under the bill's provisions. The bill's provisions relating to concurrent jurisdiction in cases involving trafficking of persons expire September 1, 2031.

C.S.S.B. 1257 requires a state agency other than the office of attorney general, on completion of an investigation of a trafficking of persons offense that is conducted by the agency, to forward copies of each offense report prepared in the investigation and all other case information to the appropriate local county or district attorney and to the attorney general.

C.S.S.B. 1257 amends the Code of Criminal Procedure to authorize all criminal offenses arising out of the same criminal episode involving a trafficking of persons offense to be prosecuted in any county that has venue over an offense constituting part of that criminal episode.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 1257 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute includes a provision setting an expiration date of September 1, 2031, for the bill's provisions relating to concurrent jurisdiction in cases involving trafficking of persons.