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By:  Leach H.B. No. 3979

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the attorney general to investigate and prosecute criminal offenses involving the trafficking of persons.

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

SECTION 1.  Title 5, Penal Code, is amended by adding Chapter 20B to read as follows:

CHAPTER 20B. CONCURRENT JURISDICTION IN CASES INVOLVING TRAFFICKING OF PERSONS

Sec. 20B.01.  DEFINITION. In this chapter, "criminal episode" has the meaning assigned by Section 3.01.

Sec. 20B.02.  PROSECUTION BY ATTORNEY GENERAL IN MULTIJURISDICTIONAL CASES AUTHORIZED. (a) The attorney general may prosecute an offense under Chapter 20A if the offense or any element of the offense:

(1)  occurs in more than one county in this state;

(2)  occurs in a county in this state as well as in another state or country; or

(3)  is facilitated by the use of United States mail, e-mail, telephone, facsimile, the Internet, or a wireless communication from:

(A)  one county in this state to another county in this state;

(B)  a county in this state to another state or country; or

(C)  another state or country to a county in this state.

(b)  The attorney general may prosecute any other offense that occurs in this state and arises out of the same criminal episode as an offense described by Subsection (a).

(c)  The attorney general may appear before a grand jury in connection with an offense the attorney general is authorized to prosecute under this section.

(d)  The authority to prosecute prescribed by this section does not affect the authority derived from other law to prosecute the same offenses.

(e)  If a defendant commits an offense under Chapter 20A that is part of a criminal episode, the attorney general may consolidate the prosecution of all offenses arising out of the same criminal episode in any county that has venue over an offense constituting part of that criminal episode.

Sec. 20B.03.  SINGLE JURISDICTIONAL CASE: CONCURRENT JURISDICTION WITH CONSENT OF LOCAL PROSECUTOR. With the consent of the appropriate local county or district attorney, the attorney general has concurrent jurisdiction with that consenting local prosecutor to prosecute an offense under Chapter 20A and any other offense arising out of the same criminal episode. This section does not apply to an offense described by Section 20B.02(a).

Sec. 20B.04.  SINGLE JURISDICTIONAL CASE: CONCURRENT JURISDICTION FOLLOWING LOCAL PROSECUTOR'S RIGHT OF FIRST REFUSAL. (a) This section does not apply to an offense described by Section 20B.02(a) or an offense for which the attorney general has established concurrent jurisdiction under Section 20B.03.

(b)  Not later than the 14th day after the date a local county or district attorney becomes aware of conduct that may constitute an offense under Chapter 20A, the local county or district attorney shall notify the attorney general in writing of the conduct. The notice provided under this subsection must describe the conduct that may constitute an offense under Chapter 20A and must describe or otherwise identify each person suspected at that time of having engaged in the conduct.

(c)  If a local county or district attorney described by Subsection (b) 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, the local county or district attorney shall notify the attorney general of that determination not later than the 14th day after the date of the determination. On receipt of notice under this subsection, the attorney general may begin a criminal investigation of the applicable conduct and may prosecute:

(1)  any offense under Chapter 20A relating to the attorney general's investigation of that conduct; and

(2)  any other offense arising out of the same criminal episode.

SECTION 2.  The change in law made by this Act applies only to the investigation and prosecution of an offense committed on or after the effective date of this Act. The investigation and prosecution of an offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3.  This Act takes effect September 1, 2019.