

By: Leach, Bonnen of Galveston

H.B. No. 3979

Substitute the following for H.B. No. 3979:

By: Collier

C.S.H.B. No. 3979

A BILL TO BE ENTITLED

AN ACT

relating to the investigation and prosecution of criminal offenses involving the trafficking of persons.

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

SECTION 1. Article 13.12, Code of Criminal Procedure, is amended to read as follows:

Art. 13.12. TRAFFICKING OF PERSONS, FALSE IMPRISONMENT, KIDNAPPING, AND SMUGGLING OF PERSONS. (a) Venue for trafficking of persons, false imprisonment, kidnapping, and smuggling of persons is in:

(1) the county in which the offense was committed; or

(2) any county through, into, or out of which the person trafficked, falsely imprisoned, kidnapped, or transported may have been taken.

(b) If a defendant commits an offense under Chapter 20A, Penal Code, that is part of a criminal episode, as defined by Section 3.01, Penal Code, all of the offenses arising out of the same criminal episode may be prosecuted in any county that has venue over an offense constituting part of that criminal episode.

SECTION 2. Chapter 20A, Penal Code, is amended by adding Section 20A.05 to read as follows:

Sec. 20A.05. FORWARDING OF CASE INFORMATION ON COMPLETION OF INVESTIGATION BY CERTAIN STATE AGENCIES. On completion of an investigation of an offense under this chapter that is conducted by

1 a state agency other than the office of the attorney general, the
2 state agency shall forward copies of each offense report prepared
3 in the investigation and all other case information to:

4 (1) the appropriate local county or district attorney;
5 and

6 (2) the attorney general.

7 SECTION 3. Title 5, Penal Code, is amended by adding Chapter
8 20B to read as follows:

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

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

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

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

18 (2) occurs in a county in this state as well as in
19 another state or country.

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

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

26 (d) The authority to prosecute prescribed by this section
27 does not affect the authority derived from other law to prosecute

1 the same offenses.

2 Sec. 20B.03. SINGLE JURISDICTIONAL CASE: CONCURRENT
3 JURISDICTION FOLLOWING LOCAL PROSECUTOR'S RIGHT OF FIRST REFUSAL.

4 (a) This section does not apply to an offense described by Section
5 20B.02(a).

6 (b) Not later than the 30th day after the date a local county
7 or district attorney becomes aware of conduct that may constitute
8 an offense under Chapter 20A, the local county or district attorney
9 shall notify the attorney general in writing of the conduct. The
10 notice provided under this subsection must describe the conduct
11 that may constitute an offense under Chapter 20A and must describe
12 or otherwise identify each person suspected at that time of having
13 engaged in the conduct.

14 (c) If a local county or district attorney described by
15 Subsection (b) determines that the attorney will not pursue a
16 criminal investigation of the applicable conduct or will not
17 prosecute a criminal charge in relation to that conduct, the local
18 county or district attorney shall notify the attorney general of
19 that determination not later than the 30th day after the date of the
20 determination. On receipt of notice under this subsection, the
21 attorney general may begin a criminal investigation of the
22 applicable conduct and may prosecute:

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

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

27 Sec. 20B.04. EXPIRATION. This chapter expires September 1,

1 2031.

2 SECTION 4. The changes in law made by this Act apply only to
3 the investigation and prosecution of an offense committed on or
4 after the effective date of this Act. The investigation and
5 prosecution of an offense committed before the effective date of
6 this Act is governed by the law in effect on the date the offense was
7 committed, and the former law is continued in effect for that
8 purpose. For purposes of this section, an offense was committed
9 before the effective date of this Act if any element of the offense
10 occurred before that date.

11 SECTION 5. This Act takes effect September 1, 2019.