

By: Leach

H.B. No. 3979

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of the attorney general to investigate
3 and prosecute criminal offenses involving the trafficking of
4 persons.

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

6 SECTION 1. Title 5, Penal Code, is amended by adding Chapter
7 20B to read as follows:

8 CHAPTER 20B. CONCURRENT JURISDICTION IN CASES INVOLVING

9 TRAFFICKING OF PERSONS

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

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

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

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

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

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

24 (B) a county in this state to another state or

1 country; or

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

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

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

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

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

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

25 Sec. 20B.04. SINGLE JURISDICTIONAL CASE: CONCURRENT
26 JURISDICTION FOLLOWING LOCAL PROSECUTOR'S RIGHT OF FIRST REFUSAL.

27 (a) This section does not apply to an offense described by Section

1 20B.02(a) or an offense for which the attorney general has
2 established concurrent jurisdiction under Section 20B.03.

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

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

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

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

24 SECTION 2. The change in law made by this Act applies only
25 to the investigation and prosecution of an offense committed on or
26 after the effective date of this Act. The investigation and
27 prosecution of an offense committed before the effective date of

1 this Act is governed by the law in effect on the date the offense was
2 committed, and the former law is continued in effect for that
3 purpose. For purposes of this section, an offense was committed
4 before the effective date of this Act if any element of the offense
5 occurred before that date.

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