

By: Middleton

H.B. No. 4187

A BILL TO BE ENTITLED

AN ACT

relating to the reporting of certain felony offenses to prosecuting attorneys and to allegations regarding a peace officer's retaliatory action taken because of that report.

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

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.33 to read as follows:

Art. 2.33. REPORTING CRIMINAL OFFENSES TO PROSECUTING ATTORNEYS. (a) A person with knowledge of the commission of a felony offense other than a state jail felony under the laws of this state may report the offense to any attorney who prosecutes criminal cases on behalf of the state.

(b) Subject to Subsection (c), if a peace officer in this state has not prepared a written report relating to the offense reported under Subsection (a), the attorney shall investigate the report under Subsection (a) and may refer the matter to:

(1) a law enforcement agency; or

(2) a court with jurisdiction over the offense.

(c) An attorney to whom a report of the commission of an offense is made under Subsection (a) is required to investigate the report only if the person making the report demonstrates that:

(1) the person previously reported the offense to law enforcement more than one year before the date of the report under Subsection (a); and

1 (2) following the report to law enforcement under
2 Subdivision (1), the person diligently cooperated with law
3 enforcement in investigating the offense for a period of not less
4 than one year.

5 SECTION 2. Section 411.0207, Government Code, is amended by
6 amending Subsection (a) and adding Subsection (c-1) to read as
7 follows:

8 (a) In this section:

9 (1) "Organized [~~,—"organized~~] criminal activity"
10 means conduct that constitutes an offense under Section 71.02,
11 Penal Code.

12 (2) "Retaliatory action" includes the filing of
13 criminal charges, the seizure of property, or the arrest or search
14 of an individual without probable cause.

15 (c-1) The unit may investigate an allegation of a
16 retaliatory action taken by an individual elected, appointed, or
17 employed as a peace officer for a governmental entity against a
18 person because the person made a report under Article 2.33(a), Code
19 of Criminal Procedure.

20 SECTION 3. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2019.