87R7943 JRR-F

By:  Schofield H.B. No. 2916

A BILL TO BE ENTITLED

AN ACT

relating to the enforcement of certain laws by the attorney general.

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

SECTION 1.  This Act may be cited as the Rule of Law Enforcement Act.

SECTION 2.  Subchapter B, Chapter 273, Election Code, is transferred to Title 1, Code of Criminal Procedure, redesignated as Chapter 2C, Code of Criminal Procedure, and amended to read as follows:

CHAPTER 2C [~~SUBCHAPTER B~~]. PROSECUTION OF CERTAIN OFFENSES BY ATTORNEY GENERAL

Art. 2C.001 [~~Sec. 273.021~~].  PROSECUTION BY ATTORNEY GENERAL AUTHORIZED. (a) The attorney general may prosecute:

(1)  an [~~a criminal~~] offense prescribed by the election laws of this state; or

(2)  an offense under:

(A)  Subchapter A, Chapter 557, Government Code;

(B)  Chapter 36 or 39, Penal Code; or

(C)  Section 42.02 or 42.03, Penal Code.

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

(c)  The authority to prosecute prescribed by this chapter [~~subchapter~~] does not affect the authority derived from other law to prosecute the same offenses.

(d)  This article does not affect the authority of the attorney general to prosecute another offense under other law.

Art. 2C.002 [~~Sec. 273.022~~].  COOPERATION WITH LOCAL PROSECUTOR. The attorney general may direct the county or district attorney serving the county in which the offense is to be prosecuted to prosecute an offense that the attorney general is authorized to prosecute under Article 2C.001 [~~Section 273.021~~] or to assist the attorney general in the prosecution.

Art. 2C.003 [~~Sec. 273.023~~].  SUBPOENA. (a) A subpoena or subpoena duces tecum issued in connection with a prosecution under this chapter [~~subchapter~~] is effective if served anywhere in this state.

(b)  A witness may not be punished for failure to comply with a subpoena issued under this chapter [~~subchapter~~] unless the proper fees are tendered to the witness as required by statute or court rule.

(c)  The attorney general may direct the Department of Public Safety to serve a subpoena under this chapter [~~subchapter~~].

Art. 2C.004 [~~Sec. 273.024~~].  VENUE FOR ELECTION LAW OFFENSES. An offense prescribed by the election laws of this state [~~under this subchapter~~] may be prosecuted in the county in which the offense was committed or an adjoining county. If the offense is committed in connection with a statewide election, the offense may be prosecuted in the county in which the offense was committed, an adjoining county, or Travis County.

SECTION 3.  Section 557.003(c), Government Code, is amended to read as follows:

(c)  The attorney general, a [~~A~~] district attorney, a criminal district attorney, or a county attorney may bring an action against an organization in a court of competent jurisdiction. If the court finds that the organization has violated Subsection (a), the court shall order:

(1)  the organization dissolved;

(2)  if the organization is incorporated in the state or has a permit to do business in the state, the organization's charter or permit revoked;

(3)  all funds, records, and property of the organization forfeited to the state; and

(4)  all books, records, and files of the organization turned over to the attorney general.

SECTION 4.  Section 557.004(a), Government Code, is amended to read as follows:

(a)  A district court may, on application by the attorney general, a district attorney, a criminal district attorney, or a county attorney, order injunctive or other equitable relief appropriate to enforce this subchapter.

SECTION 5.  Section 39.015, Penal Code, is repealed.

SECTION 6.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.