**BILL ANALYSIS**

|  |  |
| --- | --- |
| Senate Research Center | C.S.H.B. 17 |
| 88R29693 JCG-F | By: Cook et al. (Huffman) |
|  | State Affairs |
|  | 5/16/2023 |
|  | Committee Report (Substituted) |

**AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

C.S.H.B. 17 amends current law relating to the enforcement of criminal offenses by district attorneys, criminal district attorneys, and county attorneys.

**RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

**SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter B, Chapter 87, Local Government Code, by adding Section 87.0135, as follows:

Sec. 87.0135. OFFICIAL MISCONDUCT GROUNDS: POLICY OF NONENFORCEMENT OF CRIMINAL OFFENSES. (a) Defines "policy" and "prosecuting attorney."

(b) Prohibits a prosecuting attorney from adopting or enforcing a policy under which the prosecuting attorney refuses to prosecute a class or type of criminal offense for any reason other than to comply with an injunction, judgment, or order issued by a court.

(c) Prohibits a prosecuting attorney, in compliance with Subsection (b), from permitting an attorney who is employed by or otherwise under the direction or control of the prosecuting attorney to refuse to prosecute a class or type of criminal offense for any reason other than to comply with an injunction, judgment, or order issued by a court.

(d) Provides that a prosecuting attorney who violates this section commits official misconduct for purposes of removal under Subchapter B (Removal By Petition and Trial).

SECTION 2. Effective date: upon passage or September 1, 2023.