

BILL ANALYSIS

Senate Research Center
88R29693 JCG-F

C.S.H.B. 17
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.