

1-1 By: Cook, et al. (Senate Sponsor - Huffman) H.B. No. 17  
 1-2 (In the Senate - Received from the House May 1, 2023;  
 1-3 May 2, 2023, read first time and referred to Committee on State  
 1-4 Affairs; May 17, 2023, reported adversely, with favorable  
 1-5 Committee Substitute by the following vote: Yeas 8, Nays 3;  
 1-6 May 17, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13		X		
1-14		X		
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19		X		

1-20 COMMITTEE SUBSTITUTE FOR H.B. No. 17 By: Hughes

1-21 A BILL TO BE ENTITLED  
 1-22 AN ACT

1-23 relating to the enforcement of criminal offenses by district  
 1-24 attorneys, criminal district attorneys, and county attorneys.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Subchapter B, Chapter 87, Local Government Code,  
 1-27 is amended by adding Section 87.0135 to read as follows:

1-28 Sec. 87.0135. OFFICIAL MISCONDUCT GROUNDS: POLICY OF  
 1-29 NONENFORCEMENT OF CRIMINAL OFFENSES. (a) In this section:

1-30 (1) "Policy" includes an instruction or directive  
 1-31 expressed in any manner.

1-32 (2) "Prosecuting attorney" means a district attorney  
 1-33 or a county attorney with criminal jurisdiction.

1-34 (b) A prosecuting attorney may not adopt or enforce a policy  
 1-35 under which the prosecuting attorney refuses to prosecute a class  
 1-36 or type of criminal offense for any reason other than to comply with  
 1-37 an injunction, judgment, or order issued by a court.

1-38 (c) In compliance with Subsection (b), a prosecuting  
 1-39 attorney may not permit an attorney who is employed by or otherwise  
 1-40 under the direction or control of the prosecuting attorney to  
 1-41 refuse to prosecute a class or type of criminal offense for any  
 1-42 reason other than to comply with an injunction, judgment, or order  
 1-43 issued by a court.

1-44 (d) A prosecuting attorney who violates this section  
 1-45 commits official misconduct for purposes of removal under this  
 1-46 subchapter.

1-47 SECTION 2. This Act takes effect immediately if it receives  
 1-48 a vote of two-thirds of all the members elected to each house, as  
 1-49 provided by Section 39, Article III, Texas Constitution. If this  
 1-50 Act does not receive the vote necessary for immediate effect, this  
 1-51 Act takes effect September 1, 2023.

1-52 \* \* \* \* \*