

By: Huffman, et al.

S.B. No. 20

A BILL TO BE ENTITLED

AN ACT

relating to the enforcement of criminal offenses by district attorneys, criminal district attorneys, and county attorneys.

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

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

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

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

(2) "Prosecuting attorney" means a district attorney or a county attorney with criminal jurisdiction.

(b) A prosecuting attorney may not adopt or enforce 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) In compliance with Subsection (b), a prosecuting attorney may not permit 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) A prosecuting attorney who violates this section commits official misconduct for purposes of removal under this

1 subchapter.

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