

By: Huffman, Parker

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 a formal, written rule or policy and an informal, unwritten policy.

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

(b) A prosecuting attorney may not:

(1) adopt or enforce a policy under which the prosecuting attorney prohibits or materially limits the enforcement of any criminal offense; or

(2) as demonstrated by pattern or practice, prohibit or materially limit the enforcement of any criminal offense.

(c) In compliance with Subsection (b), a prosecuting attorney may not prohibit or materially limit a peace officer or attorney who is employed by or otherwise under the direction or control of the prosecuting attorney from enforcing any criminal offense.

(d) A prosecuting attorney who violates this section

1 commits official misconduct for purposes of removal under this
2 subchapter.

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