By: King S.B. No. 1422

A BILL TO BE ENTITLED

AN ACT

relating to enforcement of criminal offenses by state agencies, law enforcement agencies, political subdivisions, or local entities.

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

SECTION 1. Subtitle Z, Title 10, Government Code, is amended by adding Chapter 3001 to read as follows:

CHAPTER 3001. PROHIBITED POLICY ON NONENFORCEMENT OF CRIMINAL OFFENSES

Sec. 3001.001. PROHIBITION. A state agency, law enforcement agency, political subdivision, or local entity that receives any public funds shall not adopt, enforce, or endorse a policy, resolution, ordinance, or initiative categorically prohibiting or discouraging the enforcement or prosecution of a criminal offense.

Sec. 3001.002. COMPLAINT; EQUITABLE RELIEF. (a) Any person may file a complaint with the attorney general if the person offers evidence to support an allegation that a state agency, law enforcement agency, political subdivision, or local entity is violating Section 3001.001.

(b) If the attorney general determines that a complaint filed under Subsection (a) against a state agency, law enforcement agency, political subdivision, or local entity is valid, the attorney general shall, not later than the 10th day after the date of the determination, provide written notification to the state

agency, law enforcement agency, political subdivision, or local entity that:

(1) the complaint has been filed; and

(2) the attorney general is authorized to file an action to enjoin the violation if the state agency, law enforcement agency, political subdivision, or local entity does not come into compliance with the requirements of Section 3001.001 on or before the 30th day after the date the notification is provided.

(c) If, following the 30th day after the notification described in Subsection (b) is provided, the attorney general determines that the state agency, law enforcement agency, political subdivision, or local entity is not in compliance with Section 3001.001, the attorney general may petition the chief justice of the supreme court to convene the special three-judge district court described by Chapter 22A to hear a petition for a writ of mandamus or other appropriate equitable relief to compel the state agency, law enforcement agency, political subdivision, or local entity that is violating Section 3001.001 to comply with that section. The court shall be convened in Travis County or the county in which the principal office of the state agency, law enforcement agency, political subdivision, or local entity is located. The attorney general may recover reasonable expenses incurred in obtaining relief under this subsection, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs.

(d) An appeal of a suit brought under Subsection (c) is governed by the procedures for accelerated appeals in civil cases

under the Texas Rules of Appellate Procedure.

Sec. 3001.003. CIVIL PENALTY. (a) A state agency, political subdivision, or local entity, that violates Section 3001.001 is subject to a civil penalty in an amount:

(1) not less than $1,000 and not more than $1,500 for the first violation; and

(2) $25,000 for each subsequent violation.

(b) Each day of a continuing violation of Section 3001.001 constitutes a separate violation for the civil penalty under this section.

(c) The three-judge district court that hears an action brought under Section 3001.002 against the state agency, law enforcement agency, political subdivision, or local entity shall determine the amount of the civil penalty under this section.

(d) A civil penalty collected under this section shall be deposited to the credit of the compensation to victims of crime fund established under Subchapter B, Chapter 56, Code of Criminal Procedure.

(e) Sovereign and governmental immunity to suit is waived and abolished to the extent of liability created by this section.

SECTION 2. Not later than January 1, 2024, each state agency, law enforcement agency, political subdivision, or local entity subject to this Act shall:

(1) formalize in writing any unwritten, informal policies or initiatives relating to the enforcement or prosecution of a criminal offense; and

(2) update its policies, resolutions, and/or

initiatives to be consistent with this Act.

SECTION 3. It is the intent of the legislature that every provision, section, subsection, sentence, clause, phrase, or word in this Act, and every application of the provisions in this Act to each person, agency, subdivision, or entity, are severable from each other. If any application of any provision in this Act to any person, group of persons, or circumstances is found by a court to be invalid for any reason, the remaining applications of that provision to all other persons and circumstances shall be severed and may not be affected.

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