

By: Bettencourt

S.B. No. 1968

A BILL TO BE ENTITLED

AN ACT

relating to required reporting of certain discretionary prosecutorial decisions of prosecuting attorneys.

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

SECTION 1. Subchapter A, Chapter 41, Government Code, is amended by adding Section 41.0065 to read as follows:

Sec. 41.0065. REPORT TO ATTORNEY GENERAL REGARDING REFUSAL TO PROSECUTE. (a) In this section:

(1) "Peace officer" means an individual described by Article 2.12, Code of Criminal Procedure.

(2) "Prosecuting attorney" has the meaning assigned by Section 41.101.

(b) If, after being presented with an affidavit sworn to by a peace officer alleging that probable cause exists to believe a person committed a criminal offense under Title 5 or 6, Penal Code, or under Chapter 29, Penal Code, a prosecuting attorney refuses to prosecute the alleged criminal offense, the prosecuting attorney must submit a report to the attorney general that includes:

(1) any information the prosecuting attorney has regarding the alleged criminal offense;

(2) a detailed explanation of the prosecuting attorney's decision not to prosecute the alleged offense, including any perceived evidentiary deficiencies in the case; and

(3) the alleged offender's criminal history.

1 (c) Subject to Subsection (d), at least once a month the
2 office of the attorney general shall post on the office's publicly
3 accessible Internet website information regarding each prosecuting
4 attorney's decision not to prosecute an offense described by
5 Subsection (b). The post must include:

6 (1) the county in which the alleged offense occurred;
7 (2) the type of offense alleged to have been
8 committed; and

9 (3) a short statement regarding the prosecuting
10 attorney's rationale for refusing to prosecute the alleged offense.

11 (d) Information included on the attorney general's Internet
12 website under Subsection (c) may not include any personally
13 identifying information of an alleged offender or victim.

14 SECTION 2. This Act takes effect September 1, 2023.