

Amend CSHB 5138 (senate committee report) as follows:

(1) In SECTION 1 of the bill, in added Section 402.101(b), Government Code (page 1, lines 38 and 39), strike "information requested by the attorney general regarding investigations of criminal offenses" and substitute "evidence requested by the attorney general of a criminal offense".

(2) In SECTION 1 of the bill, in added Section 402.101(b), Government Code (page 1, line 41), immediately following the underlined period, insert the following:

An attorney general request under this subsection must be in writing and submitted to:

(1) the head of the law enforcement agency or the designee of the head of the law enforcement agency; or

(2) the local prosecuting attorney or the local prosecuting attorney's designee.

(3) In SECTION 1 of the bill, in added Section 402.103, Government Code (page 1, line 42), between "PROSECUTION." And "Notwithstanding", insert "(a)".

(3) In SECTION 1 of the bill, in added Section 402.103, Government Code (page 1, line 45), between "402.101" and the underlined period, insert the following:

if:

(1) a law enforcement agency submits a report to the attorney general as described by Section 402.102(a);

(2) 180 days have elapsed from the later of:

(A) the date the report was submitted; or

(B) the date the defendant was arrested; and

(3) the local prosecuting attorney has not taken prosecutorial action to prosecute the offense.

(b) If the prosecution of a criminal offense described by Section 402.101 is pending before a court and the attorney general has jurisdiction to prosecute the criminal offense under Subsection (a), the attorney general shall file with the court in which the prosecution is pending a notice of intent to represent the state and provide a copy of the notice to:

(1) the local prosecuting attorney; and

(2) the defendant's attorney or the defendant if the

defendant is not represented by an attorney.

(c) If the prosecution of a criminal offense described by Section 402.101 is not pending before a court and the attorney general has jurisdiction to prosecute the criminal offense under Subsection (a), the attorney general shall:

(1) provide written notice of the attorney general's intent to represent the state in the prosecution of the offense under Subsection (a) to:

(A) the local prosecuting attorney; and

(B) the defendant's attorney or the defendant if the defendant is not represented by an attorney; and

(2) file a copy of the notice described by Subdivision (1) with the district clerk of the county in which the offense was committed.

(4) In SECTION 3 of the bill, strike amended Section 273.022, Election Code (page 1, line 57, through page 2, line 2) and substitute the following:

Sec. 273.022. COOPERATION WITH LOCAL PROSECUTOR. On the attorney general's request and with the consent of ~~[The attorney general may direct]~~ the county or district attorney serving the county in which an ~~[the]~~ offense ~~[is to be prosecuted to prosecute an offense that]~~ the attorney general is authorized to prosecute under Section 273.021 is pending, the county or district attorney may ~~[to]~~ assist the attorney general in the prosecution of the offense.