

By: Louderback

H.B. No. 5318

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the attorney general to prosecute certain criminal offenses against public order.

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

SECTION 1. Chapter 402, Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. PROSECUTION OF CERTAIN CRIMINAL OFFENSES AGAINST
PUBLIC ORDER

Sec. 402.101. APPLICABILITY. This subchapter applies to a criminal offense under:

(1) Section 42.02, Penal Code, if the offense occurs on real property owned or leased by this state; or

(2) Section 42.03, Penal Code, if the offense occurs on a highway or other area described by Section 42.03(a)(1), Penal Code, owned or maintained by this state.

Sec. 402.102. PROVISION OF INFORMATION TO ATTORNEY GENERAL.

(a) A law enforcement agency that submits to a local prosecuting attorney a report stating there is probable cause to believe an identified person has committed a criminal offense described by Section 402.101 shall simultaneously submit a copy of that report to the attorney general.

(b) On request of the attorney general, a local prosecuting attorney or law enforcement agency shall provide information regarding investigations of criminal offenses described by Section

1 402.101 to assist the attorney general in performing duties
2 required under this subchapter.

3 Sec. 402.103. PROSECUTION. Notwithstanding any other law,
4 the attorney general has jurisdiction to prosecute and may
5 prosecute a criminal offense described by Section 402.101 if:

6 (1) a law enforcement agency submits a report
7 described by Section 402.102(a) to the local prosecuting attorney
8 and the attorney general; and

9 (2) six months have elapsed from the date the report
10 was submitted and the local prosecuting attorney has not initiated
11 proceedings to prosecute the offense.

12 SECTION 2. The changes in law made by this Act apply only to
13 an offense committed on or after the effective date of this Act. An
14 offense committed before the effective date of this Act is governed
15 by the law in effect on the date the offense was committed, and the
16 former law is continued in effect for that purpose. For purposes of
17 this section, an offense was committed before the effective date of
18 this Act if any element of the offense occurred before that date.

19 SECTION 3. This Act takes effect September 1, 2025.