

BILL ANALYSIS

Senate Research Center
86R23015 JRR-F

C.S.S.B. 1257
By: Huffman
State Affairs
4/7/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas attorney general recently established a new unit within the Office of the Attorney General (OAG) dedicated to combating human trafficking. The Human Trafficking and Transnational Organized Crime (HTTOC) section of the OAG is designed to fight back against the horrific crime of human trafficking through investigations, prosecutions, training, and raising awareness. This unit provides the state with a new weapon in the fight against human trafficking, transnational gangs, and organized crime syndicates that threaten the fundamental liberties of the people of Texas.

Because human trafficking is prevalent in Texas, all local and state resources must prioritize eradication of these heinous crimes. Thus, enabling the OAG with concurrent jurisdiction on human trafficking cases may further the state's effort to combat these crimes.

S.B. 1257 would give the OAG full concurrent jurisdiction over multi-jurisdictional human trafficking cases and concurrent jurisdiction with district attorney right of first refusal for single-jurisdictional human trafficking cases. Every effort and resource must be utilized to fight these crimes and ensure uniform enforcement across the state. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 1257 amends current law relating to the investigation and prosecution of criminal offenses involving the trafficking of persons.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 13.12, Code of Criminal Procedure, as follows:

Art. 13.12. TRAFFICKING OF PERSONS, FALSE IMPRISONMENT, KIDNAPPING, AND SMUGGLING OF PERSONS. (a) Creates this subsection from existing text and makes no further changes.

(b) Authorizes all of the offenses arising out of the same criminal episode, if a defendant commits an offense under Chapter 20A (Trafficking of Persons), Penal Code, that is part of a criminal episode, as defined by Section 3.01 (Definition), Penal Code, to be prosecuted in any county that has venue over an offense constituting part of that criminal episode.

SECTION 2. Amends Chapter 20A, Penal Code, by adding Section 20A.05, as follows:

Sec. 20A.05. FORWARDING OF CASE INFORMATION ON COMPLETION OF INVESTIGATION BY CERTAIN STATE AGENCIES. Requires a state agency, on completion of an investigation of an offense under this chapter that is conducted by a state agency other than the Office of the Attorney General (OAG), to forward copies of each offense report prepared in the investigation and all other case information to the

appropriate local county or district attorney and the Texas attorney general (attorney general).

SECTION 3. Amends Title 5, Penal Code, by adding Chapter 20B, as follows:

CHAPTER 20B. CONCURRENT JURISDICTION IN CASES INVOLVING TRAFFICKING OF PERSONS

Sec. 20B.01. DEFINITION. Defines "criminal episode."

Sec. 20B.02. PROSECUTION BY ATTORNEY GENERAL IN MULTIJURISDICTIONAL CASES AUTHORIZED. (a) Authorizes the attorney general to prosecute an offense under Chapter 20A if the offense or any element of the offense:

(1) occurs in more than one county in this state; or

(2) occurs in a county in this state as well as in another state or country.

(b) Authorizes the attorney general to prosecute any other offense that occurs in this state and arises out of the same criminal episode as an offense described by Subsection (a).

(c) Authorizes the attorney general to appear before a grand jury in connection with an offense the attorney general is authorized to prosecute under this section.

(d) Provides that the authority to prosecute prescribed by this section does not affect the authority derived from other law to prosecute the same offenses.

Sec. 20B.03. SINGLE JURISDICTIONAL CASE: CONCURRENT JURISDICTION FOLLOWING LOCAL PROSECUTOR'S RIGHT OF FIRST REFUSAL. (a) Provides that this section does not apply to an offense described by Section 20B.02(a).

(b) Requires a local county or district attorney, not later than the 30th day after the date the local county or district attorney becomes aware of conduct that may constitute an offense under Chapter 20A, to notify the attorney general in writing of the conduct. Requires the notice provided under this subsection to describe the conduct that may constitute an offense under Chapter 20A and to describe or otherwise identify each person suspected at that time of having engaged in the conduct.

(c) Requires a local county or district attorney described by Subsection (b), if the local county or district attorney described by Subsection (b) determines that the attorney will not pursue a criminal investigation of the applicable conduct or will not prosecute a criminal charge in relation to that conduct, to notify the attorney general of that determination not later than the 30th day after the date of the determination. Authorizes the attorney general, on receipt of notice under this subsection, to begin a criminal investigation of the applicable conduct and to prosecute:

(1) any offense under Chapter 20A relating to the attorney general's investigation of that conduct; and

(2) any other offense arising out of the same criminal episode.

SECTION 4. Makes application of this Act prospective. Provides that for purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 5. Effective date: September 1, 2019.