

BILL ANALYSIS

Senate Research Center
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S.B. 1257
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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.

As proposed, S.B. 1257 amends current law relating to the authority of the attorney general to investigate and prosecute 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 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 Texas attorney general (attorney general) to prosecute an offense under Chapter 20A (Trafficking of Persons) if the offense or any element of the offense:

- (1) occurs in more than one county in this state;
- (2) occurs in a county in this state as well as in another state or country; or
- (3) is facilitated by the use of United States mail, e-mail, telephone, facsimile, the Internet, or a wireless communication from:
 - (A) one county in this state to another county in this state;

(B) a county in this state to another state or country; or

(C) another state or country to a county in this state.

(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.

(e) Authorizes the attorney general, if a defendant commits an offense under Chapter 20A that is part of a criminal episode, to consolidate the prosecution of all offenses arising out of the same criminal episode in any county that has venue over an offense constituting part of that criminal episode.

Sec. 20B.03. SINGLE JURISDICTIONAL CASE: CONCURRENT JURISDICTION WITH CONSENT OF LOCAL PROSECUTOR. Provides that with the consent of the appropriate local county or district attorney, the attorney general has concurrent jurisdiction with that consenting local prosecutor to prosecute an offense under Chapter 20A and any other offense arising out of the same criminal episode. Provides that this section does not apply to an offense described by Section 20B.02(a).

Sec. 20B.04. 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) or an offense for which the attorney general has established concurrent jurisdiction under Section 20B.03.

(b) Requires a local county or district attorney, not later than the 14th 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 14th 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 2. 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 3. Effective date: September 1, 2019.