

By: _____ .B. No. _____

Substitute the following for .B. No. _____:

By: _____ C.S..B. No. _____

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the removal from office of certain prosecutors for
3 policies related to the prosecution of rioters.

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

5 SECTION 1. Subchapter B, Chapter 87, Local Government Code,
6 is amended by adding Section 87.0141 to read as follows:

7 Sec. 87.0141. GROUNDS: FAILURE TO PROSECUTE RIOTERS;
8 JURISDICTION. (a) In this section:

9 (1) "Prosecutor" means a district attorney or county
10 attorney.

11 (2) "Riot" has the meaning assigned by Section 42.02,
12 Penal Code.

13 (b) A prosecutor may be removed under this section if the
14 prosecutor adopts a formal or informal policy of not prosecuting an
15 individual who engages in criminal conduct as part of a riot.

16 (c) A prosecutor's public statements regarding riots and
17 evidence showing that a prosecutor routinely did not prosecute
18 individuals who engaged in criminal conduct as part of a riot may be
19 used as evidence to establish that the prosecutor has adopted an
20 informal policy described by Subsection (b).

21 (d) Notwithstanding any other provision of this subchapter,
22 the supreme court has exclusive and original jurisdiction over a
23 removal action under this section. The removal action may be
24 commenced by the filing of a petition by a person who would be

1 entitled to file a petition in a district court under Section 87.015
2 were the action to be commenced under that section. The supreme
3 court may suspend the prosecutor and appoint a temporary
4 replacement in the manner provided by Section 87.017.

5 SECTION 2. The change in law made by this Act applies only
6 to an action taken by a district attorney, criminal district
7 attorney, or county attorney on or after the effective date of this
8 Act.

9 SECTION 3. This Act takes effect September 1, 2021.