

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 enforcement of criminal offenses by district
3 attorneys, criminal district attorneys, and county attorneys.

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 87.0135 to read as follows:

7 Sec. 87.0135. OFFICIAL MISCONDUCT GROUNDS: POLICY OF
8 NONENFORCEMENT OF CRIMINAL OFFENSES. (a) In this section:

9 (1) "Policy" includes an instruction or directive
10 expressed in any manner.

11 (2) "Prosecuting attorney" means a district attorney
12 or a county attorney with criminal jurisdiction.

13 (b) A prosecuting attorney may not adopt or enforce a policy
14 under which the prosecuting attorney refuses to prosecute a class
15 or type of criminal offense for any reason other than to comply with
16 an injunction, judgment, or order issued by a court.

17 (c) In compliance with Subsection (b), a prosecuting
18 attorney may not permit an attorney who is employed by or otherwise
19 under the direction or control of the prosecuting attorney to
20 refuse to prosecute a class or type of criminal offense for any
21 reason other than to comply with an injunction, judgment, or order
22 issued by a court.

23 (d) A prosecuting attorney who violates this section
24 commits official misconduct for purposes of removal under this

1 subchapter.

2 SECTION 2. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2023.