

1-1 By: Hull, et al. (Senate Sponsor - Huffman) H.B. No. 45
1-2 (In the Senate - Received from the House May 5, 2025;
1-3 May 6, 2025, read first time and referred to Committee on Criminal
1-4 Justice; May 14, 2025, reported favorably by the following vote:
1-5 Yeas 7, Nays 0; May 14, 2025, sent to printer.)

1-6	COMMITTEE VOTE				
1-7		Yea	Nay	Absent	PNV
1-8	Flores	X			
1-9	Parker	X			
1-10	Hagenbuch	X			
1-11	Hinojosa of Hidalgo	X			
1-12	Huffman	X			
1-13	King	X			
1-14	Miles	X			

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the duty of the attorney general to represent the state
1-18 in the prosecution of the criminal offense of trafficking of
1-19 persons.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-21 SECTION 1. Chapter 402, Government Code, is amended by
1-22 adding Subchapter D to read as follows:

1-23 SUBCHAPTER D. PROSECUTION OF TRAFFICKING OF PERSONS OFFENSE
1-24 Sec. 402.101. APPLICABILITY. This subchapter applies to a
1-25 criminal offense under Chapter 20A, Penal Code.

1-26 Sec. 402.102. PROVISION OF INFORMATION TO ATTORNEY GENERAL.
1-27 (a) A law enforcement agency that submits to a local prosecuting
1-28 attorney a report stating there is probable cause to believe an
1-29 identified person has committed a criminal offense described by
1-30 Section 402.101 shall simultaneously submit a copy of that report
1-31 to the attorney general.

1-32 (b) On request of the attorney general, a local prosecuting
1-33 attorney or law enforcement agency shall provide all requested
1-34 information that has not been made publicly available regarding
1-35 investigations of a criminal offense described by Section 402.101
1-36 to assist the attorney general in performing duties required under
1-37 this subchapter.

1-38 Sec. 402.103. PROSECUTION. (a) Notwithstanding any other
1-39 law, the attorney general has jurisdiction to prosecute and shall
1-40 represent the state in the prosecution of a criminal offense
1-41 described by Section 402.101 if:

1-42 (1) a law enforcement agency submits a report
1-43 described by Section 402.102(a) to the local prosecuting attorney
1-44 and the attorney general; and

1-45 (2) six months have elapsed from the date the report
1-46 was submitted and the local prosecuting attorney has not taken
1-47 prosecutorial action to prosecute the offense.

1-48 (b) A local prosecuting attorney may file a motion in a
1-49 district court objecting to the attorney general's representation
1-50 of the state under Subsection (a) in the prosecution of a criminal
1-51 offense described by Section 402.101. In response to a motion filed
1-52 under this subsection, the court shall:

1-53 (1) make a finding as to whether the local prosecuting
1-54 attorney has taken prosecutorial action to prosecute the offense;
1-55 and

1-56 (2) if the court finds the local prosecuting attorney
1-57 has not taken prosecutorial action to prosecute the offense, issue
1-58 an order stating the attorney general shall represent the state in
1-59 the prosecution of the offense.

1-60 SECTION 2. Chapter 20A, Penal Code, is amended by adding
1-61 Section 20A.05 to read as follows:

Sec. 20A.05. PROSECUTION BY ATTORNEY GENERAL. The attorney general has jurisdiction to prosecute and shall represent the state in the prosecution of an offense under this chapter as provided by Section 402.103, Government Code.

SECTION 3. The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. 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 4. This Act takes effect September 1, 2025.

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