

CIVIL PRACTICE AND REMEDIES CODE

TITLE 6. MISCELLANEOUS PROVISIONS

CHAPTER 140A. CIVIL RACKETEERING RELATED TO TRAFFICKING OF PERSONS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 140A.001. DEFINITIONS. In this chapter:

(1) "Acquire" means an act to:

(A) possess property;

(B) prevent another person from using that person's property or dictate the terms of use of that property;

(C) bring about or receive the transfer of any interest in property, whether to oneself or to another person; or

(D) secure performance of a service.

(1-a) "Attorney general" means the attorney general of Texas or any assistant attorney general acting under the direction of the attorney general of Texas.

(2) "Enterprise" means a legal entity, a group of individuals associated in fact, or a combination of entities and individuals.

(3) "Gain" means a benefit, an interest, or property, without reduction for expenses incurred in acquiring or maintaining the benefit, interest, or property or incurred for any other reason.

(4) "Proceeds" means an interest in property acquired or derived from, produced or realized through, or directly or indirectly caused by an act or omission, and the fruits of the interest, in any form.

(5) "Racketeering" means an act described by Section [140A.002](#).

Added by Acts 2013, 83rd Leg., R.S., Ch. 1066 (H.B. [3241](#)), Sec. 1, eff. June 14, 2013.

Redesignated from Civil Practice and Remedies Code, Chapter [140](#) by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. [1296](#)), Sec. [21.001](#)(5), eff. September 1, 2015.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. [1236](#), Sec. [21.002](#)(1), eff.

September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 685 (H.B. 29), Sec. 3, eff. September 1, 2017.

Sec. 140A.0015. APPLICABILITY OF PROVISIONS. (a) The provisions of this chapter are cumulative of each other and any other provision of law in effect relating to the same subject. The provisions of this chapter preserve the constitutional and common law authority of the attorney general to bring any action under state and federal law.

(b) If any of the provisions of this chapter are held invalid, the remainder of the provisions are not affected as a result and the application of the provision held invalid to persons or circumstances other than those as to which it is held invalid are not affected as a result.

Added by Acts 2017, 85th Leg., R.S., Ch. 685 (H.B. 29), Sec. 4, eff. September 1, 2017.

Sec. 140A.002. CIVIL RACKETEERING. A person or enterprise commits racketeering if, for financial gain, the person or enterprise commits an offense under Chapter 20A, Penal Code (trafficking of persons).

Added by Acts 2013, 83rd Leg., R.S., Ch. 1066 (H.B. 3241), Sec. 1, eff. June 14, 2013.

Redesignated from Civil Practice and Remedies Code, Chapter 140 by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(5), eff. September 1, 2015.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 807 (H.B. 1540), Sec. 11, eff. September 1, 2021.

#### SUBCHAPTER B. PROCEDURES AND EVIDENCE

Sec. 140A.051. DEFINITIONS. In this subchapter:

(1) "Civil investigative demand" means any demand issued by the attorney general under this subchapter.

(2) "Documentary material" means the original or a

copy of any paper, contract, agreement, book, booklet, brochure, pamphlet, catalog, magazine, notice, announcement, circular, bulletin, instruction, minutes, agenda, study, analysis, report, graph, map, chart, table, schedule, note, letter, telegram, telephone recordings, or data compilations stored in or accessible through computer or other information retrieval systems, together with instructions and all other materials necessary to use or interpret the data compilations, and any product of discovery.

(3) "Person" has the meaning assigned by Section [311.005](#), Government Code.

(4) "Product of discovery" means:

(A) the original or a copy of a deposition, interrogatory, document, thing, result of inspection of land or other property, examination, or admission that is obtained by any method of discovery in a judicial or administrative proceeding of an adversarial nature;

(B) a digest, analysis, selection, compilation, or derivation of any item listed in Paragraph (A); and

(C) an index, instruction, or other aid or means of access to any item listed in Paragraph (A).

(5) "Racketeering investigation" means any inquiry conducted by the attorney general for the purpose of ascertaining whether any person is or has been engaged in or is actively preparing to engage in activities that may constitute a racketeering violation.

(6) "Racketeering violation" means any act or omission in violation of any of the prohibitions in Section [140A.002](#).

Added by Acts 2017, 85th Leg., R.S., Ch. 685 (H.B. [29](#)), Sec. 5, eff. September 1, 2017.

Sec. 140A.052. CIVIL INVESTIGATIVE DEMAND. If the attorney general has reason to believe that a person may be in possession, custody, or control of any documentary material or other evidence or may have any information relevant to a civil racketeering investigation, the attorney general may, before beginning a civil proceeding, issue in writing and serve on the person a civil investigative demand requiring the person to:

- (1) produce any of the documentary material for inspection and copying;
- (2) answer in writing any written interrogatories;
- (3) give oral testimony; or
- (4) provide any combination of civil investigative demands under Subdivisions (1)-(3).

Added by Acts 2017, 85th Leg., R.S., Ch. 685 (H.B. 29), Sec. 5, eff. September 1, 2017.

Sec. 140A.053. CONTENTS OF DEMAND. (a) A civil investigative demand issued under Section 140A.052 must:

- (1) describe the nature of the activities that are the subject of the investigation;
- (2) state each statute the activity violates; and
- (3) advise the person on whom the demand is served that the person has the right to object to the demand as provided for in this subchapter.

(b) A demand for production of documentary material must:

- (1) describe the class of material to be produced with reasonable specificity so that the material demanded is fairly identified;
- (2) prescribe a return date that provides a reasonable period of time within which the material is to be produced; and
- (3) identify the individual to whom the material is to be made available for inspection and copying.

(c) A demand for answers to written interrogatories must:

- (1) propound the interrogatories with definiteness and certainty;
- (2) prescribe a date by which answers to the interrogatories must be submitted; and
- (3) identify the individual to whom the answers should be submitted.

(d) Each demand for the giving of oral testimony must:

- (1) prescribe a reasonable date, time, and place at which the testimony will begin; and
- (2) identify the individual who will conduct the examination.

Added by Acts 2017, 85th Leg., R.S., Ch. 685 (H.B. 29), Sec. 5, eff. September 1, 2017.

Sec. 140A.054. SERVICE; PROOF OF SERVICE. (a) Service of any civil investigative demand or petition filed under Section 140A.055 or 140A.060 may be made on any natural person by delivering a duly executed copy of the demand or petition to the person to be served or by mailing a copy by registered or certified mail, return receipt requested, to the person at the person's residence or principal office or place of business.

(b) Service of any demand or petition filed under Section 140A.055 or 140A.060 may be made on any person other than a natural person by delivering a duly executed copy of the demand or petition to a person to whom delivery would be appropriate under state law if the demand or petition were process in a civil suit.

(c) A verified return by the individual serving any demand or petition filed under Section 140A.055 or 140A.060 setting forth the manner of service is proof of service. In the case of service by registered or certified mail, the return must be accompanied by the return post office receipt of delivery of the demand or petition.

Added by Acts 2017, 85th Leg., R.S., Ch. 685 (H.B. 29), Sec. 5, eff. September 1, 2017.

Sec. 140A.055. PETITION FOR ORDER MODIFYING OR SETTING ASIDE DEMAND. (a) At any time before the return date specified in a civil investigative demand or not later than the 30th day after the date the demand was served, whichever period is shorter, the person who has been served, and in the case of a demand for a product of discovery the person from whom the discovery was obtained, may file a petition for an order modifying or setting aside the demand in the district court in the county of the person's residence or principal office or place of business or a district court of Travis County. The petition must specify each ground upon which the petitioner relies in seeking the relief sought. The petition may be based on any failure of a demand to comply with the provisions of this subchapter or on any constitutional or other legal right or

privilege of the petitioner.

(b) The petitioner shall serve a copy of the petition on the attorney general in accordance with Section [140A.054](#). The attorney general may submit an answer to the petition.

(c) In ruling on the petition under this section, the court shall presume absent evidence to the contrary that the attorney general issued the demand in good faith and within the scope of the attorney general's authority.

Added by Acts 2017, 85th Leg., R.S., Ch. 685 (H.B. [29](#)), Sec. 5, eff. September 1, 2017.

Sec. 140A.056. COMPLIANCE WITH DEMAND. (a) A person on whom a civil investigative demand is served under this subchapter shall comply with the terms of the demand unless otherwise provided by court order.

(b) The time for compliance with the demand wholly or partly does not run during the pendency of any petition filed under Section [140A.055](#), provided that the petitioner shall comply with any portions of the demand not sought to be modified or set aside.

Added by Acts 2017, 85th Leg., R.S., Ch. 685 (H.B. [29](#)), Sec. 5, eff. September 1, 2017.

Sec. 140A.057. DOCUMENTARY MATERIAL. (a) Any person on whom any civil investigative demand for the production of documentary material has been duly served under this subchapter shall make the material available to the attorney general for inspection and copying during normal business hours on the return date specified in the demand at the person's principal office or place of business or as otherwise may be agreed on by the person and the attorney general. The attorney general shall bear the expense of any copying. The person may substitute copies for originals of all or part of the requested documents if the originals are made available for inspection. The attorney general may elect to obtain or review information in an electronic format. The person shall indicate in writing which, if any, of the documents produced contain trade secrets or confidential information.

(b) The production of documentary material in response to

any demand must be made under a sworn certificate in the form the demand designates by a natural person having knowledge of the facts and circumstances relating to the production to the effect that all of the requested material in the possession, custody, or control of the person to whom the demand is directed has been produced.

Added by Acts 2017, 85th Leg., R.S., Ch. 685 (H.B. 29), Sec. 5, eff. September 1, 2017.

Sec. 140A.058. INTERROGATORIES. (a) Each interrogatory in any civil investigative demand duly served must be answered separately and fully in writing, unless it is objected to, in which case the basis for the objection shall be set forth in lieu of an answer. The person shall indicate in writing which, if any, of the answers contain trade secrets or confidential information.

(b) Answers to interrogatories must be submitted under a sworn certificate in the form the related demand designates by a natural person having knowledge of the facts and circumstances relating to the preparation of the answers to the effect that all of the requested information in the possession, custody, control, or knowledge of the person to whom the demand is directed has been set forth fully and accurately.

Added by Acts 2017, 85th Leg., R.S., Ch. 685 (H.B. 29), Sec. 5, eff. September 1, 2017.

Sec. 140A.059. ORAL EXAMINATION. (a) The examination of any person pursuant to a civil investigative demand for oral testimony duly served must be taken before any person authorized to administer oaths and affirmations under the laws of this state or the United States. The person before whom the testimony is to be taken shall put the witness on oath or affirmation and shall personally or by someone acting under the person's direction and in the person's presence record the witness's testimony. At the expense of the attorney general, and except as provided by this subsection, the testimony must be taken stenographically and may be transcribed. The attorney general may take audio and video recordings of the testimony by providing notice to the person to be examined not later than the seventh day before the day the person is

to be examined.

(b) The oral testimony of any person taken pursuant to a demand served must be taken within 100 miles of the county where the person resides, is found, or transacts business or in any other place agreed on by the person and the attorney general.

(c) Any person compelled to appear under a demand for oral testimony may be accompanied, represented, and advised by counsel. Counsel may advise the person in confidence, either on the request of the person or on the counsel's own initiative, with respect to any question arising in connection with the examination.

(d) The individual conducting the examination on behalf of the attorney general shall exclude from the place of examination all other persons except the person being examined, the person's counsel, the counsel of the person to whom the demand has been issued, the person before whom the testimony is to be taken, any stenographer taking the testimony, audiographer, videographer, and any person assisting the individual conducting the examination.

(e) During the examination, the person being examined or the person's counsel may object on the record to any question in accordance with Rule 199.5(e), Texas Rules of Civil Procedure. An objection may properly be made, received, and entered on the record when it is claimed that the person is entitled to refuse to answer the question on grounds of any constitutional or other privilege, including the privilege against self-incrimination. Neither that person nor the person's counsel may otherwise object to or refuse to answer any question or interrupt the oral examination. If the person refuses to answer any question, the attorney general may petition the district court in the county where the examination is being conducted for an order compelling the person to answer the question.

(f) After the testimony has been fully transcribed, the person before whom the testimony was taken shall promptly transmit the transcript of the testimony to the witness and a copy of the transcript to the attorney general. The witness must have a reasonable opportunity to examine the transcript and make any changes in form or substance accompanied by a statement of the reasons for the changes. The witness shall then sign and return



the transcript. If the witness does not return the transcript to the person before whom the testimony was taken not later than the 20th day after the date the transcript was provided to the witness, the witness may be deemed to have waived the right to make changes. The officer shall then certify on the transcript that the witness was duly sworn and that the transcript is a true record of the testimony given by the witness and promptly transmit a copy of the certified transcript to the attorney general.

(g) On request, the attorney general shall furnish a copy of the certified transcript to the witness.

(h) The attorney general may provide the witness the same fees and mileage reimbursement that are paid to witnesses in the district courts of this state.

Added by Acts 2017, 85th Leg., R.S., Ch. 685 (H.B. 29), Sec. 5, eff. September 1, 2017.

Sec. 140A.060. FAILURE TO COMPLY WITH DEMAND PETITION FOR ENFORCEMENT. If a person fails to comply with a civil investigative demand duly served on the person, the attorney general may file in the district court in the county in which the person resides, is found, or transacts business or in a district court of Travis County and may serve on the person a petition for an order of the court for enforcement. If the person transacts business in more than one county and the attorney general elects not to file the petition in Travis County, the petition must be filed in the county of the person's principal office or place of business in the state or in any other county as may be agreed on by the person and the attorney general.

Added by Acts 2017, 85th Leg., R.S., Ch. 685 (H.B. 29), Sec. 5, eff. September 1, 2017.

Sec. 140A.061. DELIBERATE NONCOMPLIANCE. (a) A person commits an offense if the person, with intent to avoid, evade, or prevent compliance with a civil investigative demand issued under this subchapter, knowingly removes from any place, conceals, withholds, destroys, mutilates, alters, or by any other means falsifies any documentary material or otherwise provides

inaccurate information.

(b) An offense under this section is a misdemeanor punishable by:

(1) a fine of not more than \$5,000;

(2) confinement in a county jail for not more than one year; or

(3) both a fine and confinement.

Added by Acts 2017, 85th Leg., R.S., Ch. 685 (H.B. 29), Sec. 5, eff. September 1, 2017.

Sec. 140A.062. DISCLOSURE AND USE OF MATERIAL AND INFORMATION. (a) The civil investigative demand issued by the attorney general, any information obtained, maintained, or created in response to the demand, or any documentary material, product of discovery, or other record derived or created during an investigation from the information, is not subject to disclosure under Chapter 552, Government Code, and is not subject to disclosure, discovery, subpoena, or other means of legal compulsion for the release, except as described in Subsections (b) and (c).

(b) The attorney general may not release or disclose information that is obtained in response to a demand or any documentary material, product of discovery, or other record derived from the information except:

(1) by court order for good cause shown;

(2) with the consent of the person who provided the information to the attorney general;

(3) to an employee or other person under the direction of the attorney general;

(4) to an agency of this state, the United States, or another state or foreign country;

(5) to any party or person in accordance with Sections 140A.107 and 140A.108;

(6) to a political subdivision of this state; or

(7) to a person authorized by the attorney general to receive the information.

(c) The attorney general may use information obtained in response to a demand, or any documentary material, product of

discovery, or other record derived or created from the information as the attorney general determines necessary in the enforcement of this chapter, including presentation before court.

Added by Acts 2017, 85th Leg., R.S., Ch. 685 (H.B. 29), Sec. 5, eff. September 1, 2017.

Sec. 140A.063. JURISDICTION. If a petition is filed in the district court in any county, the court has jurisdiction to hear and determine the matter presented and to enter any order required to implement this chapter. Any final order is subject to appeal. Failure to comply with any final order entered by a court under this chapter is punishable by the court as contempt of the order.

Added by Acts 2017, 85th Leg., R.S., Ch. 685 (H.B. 29), Sec. 5, eff. September 1, 2017.

Sec. 140A.064. NONEXCLUSIVE PROCEDURES. Nothing in this chapter precludes the attorney general from using any procedure not specified in this chapter in conducting a racketeering investigation.

Added by Acts 2017, 85th Leg., R.S., Ch. 685 (H.B. 29), Sec. 5, eff. September 1, 2017.

#### SUBCHAPTER C. ENFORCEMENT

Sec. 140A.101. SUIT TO ABATE RACKETEERING. (a) The attorney general may bring suit in the name of the state against a person or enterprise for racketeering and may seek civil penalties, costs, reasonable attorney's fees, and appropriate injunctive relief.

(b) This chapter does not authorize suit by a person or enterprise that sustains injury as a result of racketeering.

(c) A suit under this chapter must be brought in a district court in a county in which all or part of the alleged racketeering offense giving rise to the suit occurred.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1066 (H.B. 3241), Sec. 1, eff. June 14, 2013.

Redesignated from Civil Practice and Remedies Code, Chapter 140 by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(5), eff. September 1, 2015.

Transferred, redesignated and amended from Civil Practice and Remedies Code, Section 140A.003 by Acts 2017, 85th Leg., R.S., Ch. 685 (H.B. 29), Sec. 7, eff. September 1, 2017.

Sec. 140A.102. INJUNCTIVE RELIEF; OTHER REMEDIES. (a) A court in which a proceeding is brought under this chapter may prevent, restrain, and remedy racketeering by issuing appropriate orders. The orders may include a temporary restraining order, a temporary or permanent injunction, the creation of a receivership, and the enforcement of a constructive trust in connection with any property or other interest, prejudgment writs of attachment under Chapter 61 for the purposes of freezing, preserving, and disgorging assets, or another order for a remedy or restraint the court considers proper.

(b) Following a final determination of liability under this chapter, the court may issue an appropriate order, including an order that:

(1) requires a person to divest any direct or indirect interest in an enterprise;

(2) imposes reasonable restrictions on the future activities or investments of a person that affect the laws of this state, including prohibiting a person from engaging in the type of endeavor or enterprise that gave rise to the racketeering offense, to the extent permitted by the constitutions of this state and the United States;

(3) requires the dissolution or reorganization of an enterprise involved in the suit;

(4) orders the recovery of reasonable fees, expenses, and costs incurred in obtaining injunctive relief or civil remedies or in conducting investigations under this chapter, including court costs, investigation costs, attorney's fees, witness fees, and deposition fees;

(5) orders payment to the state of an amount equal to:

(A) the gain acquired or maintained through

racketeering; or

(B) the amount for which a person is liable under this chapter;

(6) orders payment to the state of a civil penalty by a person or enterprise found liable for racketeering, in an amount not to exceed \$250,000 for each separately alleged and proven act of racketeering;

(7) orders payment of damages to the state for racketeering shown to have materially damaged the state; and

(8) orders that property attached under Chapter 61 be used to satisfy an award of the court, including damages, penalties, costs, and fees.

(c) In determining the amount of a civil penalty ordered under Subsection (b)(6), the court shall consider:

(1) the seriousness of the racketeering offense and the consequent financial or personal harm to the state or to any identified victim;

(2) the duration of the racketeering activity; and

(3) any other matter that justice requires.

(d) If any property attached under Chapter 61 is not necessary to satisfy an award of the court after a finding of liability for racketeering of the person or enterprise having an interest in the property, the court may order that the property be disgorged to the state to the extent of the person's or enterprise's interest. To be disgorged, the property must be acquired or maintained by the person or enterprise through racketeering.

(e) In determining the amount of damages ordered under Subsection (b)(7), the court shall consider:

(1) loss of tax revenue to the state;

(2) unpaid state unemployment taxes;

(3) unpaid state licensing and regulatory fees;

(4) medical and counseling costs incurred by the state on behalf of any victim of the racketeering; and

(5) other material damage caused to the state by the racketeering.

(f) Except as otherwise provided by this chapter, remedies and awards ordered by a court under this chapter, including costs

and reasonable attorney's fees, may be assessed against and paid from money or property awarded under this chapter.

(g) This chapter is not intended to provide the exclusive remedy for the activity addressed by this chapter. A proceeding under this chapter may be brought in addition to or in the alternative of any other civil or criminal action available under the laws of this state.

(h) Notwithstanding any other provision in this chapter, Articles 59.13 and 59.14, Code of Criminal Procedure, apply to a remedy under this section.

(i) A remedy under this section may not impair a security interest in property subject to a bona fide lien.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1066 (H.B. 3241), Sec. 1, eff. June 14, 2013.

Redesignated from Civil Practice and Remedies Code, Chapter 140 by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(5), eff. September 1, 2015.

Transferred, redesignated and amended from Civil Practice and Remedies Code, Section 140A.004 by Acts 2017, 85th Leg., R.S., Ch. 685 (H.B. 29), Sec. 7, eff. September 1, 2017.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 807 (H.B. 1540), Sec. 12, eff. September 1, 2021.

Sec. 140A.103. CONSTRUCTIVE TRUST. (a) A person or enterprise that, through racketeering, acquires property or prevents another person from receiving property that by law is required to be transferred or paid to that person is an involuntary trustee. The involuntary trustee or any other person or enterprise, other than a bona fide purchaser for value as described by Subsection (b), holds the property and the proceeds of the property in constructive trust for the benefit of any person entitled to remedies under this chapter.

(b) A bona fide purchaser for value who was reasonably without notice of unlawful conduct and who did not knowingly take part in an illegal transaction is not an involuntary trustee under Subsection (a) and is not subject to a constructive trust imposed

under this chapter.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1066 (H.B. 3241), Sec. 1, eff. June 14, 2013.

Redesignated from Civil Practice and Remedies Code, Chapter 140 by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(5), eff. September 1, 2015.

Transferred, redesignated and amended from Civil Practice and Remedies Code, Section 140A.005 by Acts 2017, 85th Leg., R.S., Ch. 685 (H.B. 29), Sec. 7, eff. September 1, 2017.

Sec. 140A.104. EVIDENCE. (a) In a proceeding under this chapter, the state bears the burden of proof by a preponderance of the evidence.

(b) A person convicted in a criminal proceeding is precluded, in a proceeding under this chapter, from subsequently denying the essential allegations of the criminal offense of which the person was convicted. For purposes of this subsection, a verdict or a plea, including a plea of nolo contendere, is considered a conviction.

(c) An individual may not be held liable under this chapter based on the conduct of another person unless the finder of fact finds by a preponderance of the evidence that the individual authorized, requested, commanded, participated in, ratified, or recklessly tolerated the unlawful conduct of the other person.

(d) An enterprise may not be held liable under this chapter based on the conduct of a person unless the finder of fact finds by a preponderance of the evidence that a director or high managerial agent performed, authorized, requested, commanded, participated in, ratified, or recklessly tolerated the unlawful conduct of the person.

(e) A bank or savings and loan association insured by the Federal Deposit Insurance Corporation, a credit union insured by the National Credit Union Administration, or the holder of a money transmission license as defined by Chapter 152, Finance Code, may not be held liable in damages or for other relief under this chapter, unless the finder of fact finds by a preponderance of the evidence that the person or agent acquiring or maintaining an

interest in or transporting, transacting, transferring, or receiving the funds on behalf of another did so knowing that the funds were the proceeds of an offense and that a director or high managerial agent performed, authorized, requested, commanded, participated in, ratified, or recklessly tolerated the unlawful conduct of the person or agent.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1066 (H.B. 3241), Sec. 1, eff. June 14, 2013.

Redesignated from Civil Practice and Remedies Code, Chapter 140 by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(5), eff. September 1, 2015.

Transferred, redesignated and amended from Civil Practice and Remedies Code, Section 140A.006 by Acts 2017, 85th Leg., R.S., Ch. 685 (H.B. 29), Sec. 7, eff. September 1, 2017.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 807 (H.B. 1540), Sec. 13, eff. September 1, 2021.

Acts 2023, 88th Leg., R.S., Ch. 277 (S.B. 895), Sec. 2.01, eff. September 1, 2023.

Sec. 140A.105. LIMITATIONS PERIOD. A proceeding may be commenced under this chapter only if the proceeding is filed on or before the seventh anniversary of the date on which the racketeering offense was actually discovered. This section supersedes any conflicting provision establishing a shorter period of limitations for the same conduct.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1066 (H.B. 3241), Sec. 1, eff. June 14, 2013.

Redesignated from Civil Practice and Remedies Code, Chapter 140 by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(5), eff. September 1, 2015.

Transferred, redesignated and amended from Civil Practice and Remedies Code, Section 140A.007 by Acts 2017, 85th Leg., R.S., Ch. 685 (H.B. 29), Sec. 7, eff. September 1, 2017.

Sec. 140A.106. SPECIAL DOCKETING PROCEDURES. The attorney general may file with the clerk of the district court in which a



proceeding is brought under this chapter a certificate stating that the case is of special public importance. The clerk must immediately furnish a copy of the certificate to the administrative judge of the district court of the county in which the proceeding is pending. On receiving the copy of the certificate, the administrative judge shall immediately designate a judge to hear and determine the proceeding. The designated judge shall promptly assign the proceeding for hearing, participate in hearings, make determinations, and cause the action to be expedited.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1066 (H.B. 3241), Sec. 1, eff. June 14, 2013.

Redesignated from Civil Practice and Remedies Code, Chapter 140 by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(5), eff. September 1, 2015.

Transferred, redesignated and amended from Civil Practice and Remedies Code, Section 140A.008 by Acts 2017, 85th Leg., R.S., Ch. 685 (H.B. 29), Sec. 7, eff. September 1, 2017.

Sec. 140A.107. NOTICE TO LOCAL PROSECUTOR. (a) In a reasonable time before initiating suit or on initiating an investigation on racketeering, the attorney general shall provide notice to the district attorney, criminal district attorney, or county attorney with felony criminal jurisdiction that appears to have primary jurisdiction over the criminal prosecution of any target of an investigation under this chapter at the time of the notice concerning the attorney general's intent to file suit under this chapter or investigate racketeering, as applicable.

(b) The notices described by Subsection (a) must describe or otherwise identify the defendant to the suit or the suspect, as applicable.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1066 (H.B. 3241), Sec. 1, eff. June 14, 2013.

Redesignated from Civil Practice and Remedies Code, Chapter 140 by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(5), eff. September 1, 2015.

Transferred, redesignated and amended from Civil Practice and Remedies Code, Section 140A.009 by Acts 2017, 85th Leg., R.S., Ch.

685 (H.B. 29), Sec. 7, eff. September 1, 2017.

Sec. 140A.108. COOPERATION WITH LOCAL PROSECUTOR. (a) A district attorney, criminal district attorney, or county attorney with felony criminal jurisdiction that receives notice under Section 140A.107 may notify the attorney general of a related pending criminal investigation or prosecution.

(b) Notification to the attorney general under Subsection (a) must be in writing and describe or otherwise identify the defendant or suspect in the criminal investigation or proceeding.

(c) On receipt of notice described by Subsection (a), the attorney general shall coordinate and cooperate with the district attorney, criminal district attorney, or county attorney with felony criminal jurisdiction to ensure that the filing of a suit under this chapter does not interfere with an ongoing criminal investigation or prosecution. The attorney general shall update the district attorney, criminal district attorney, or county attorney with felony criminal jurisdiction on matters affecting the suit or the investigation.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1066 (H.B. 3241), Sec. 1, eff. June 14, 2013.

Redesignated from Civil Practice and Remedies Code, Chapter 140 by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(5), eff. September 1, 2015.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.002(2), eff. September 1, 2015.

Transferred, redesignated and amended from Civil Practice and Remedies Code, Section 140A.010 by Acts 2017, 85th Leg., R.S., Ch. 685 (H.B. 29), Sec. 7, eff. September 1, 2017.

Sec. 140A.109. ABATEMENT OF SUIT. If the district attorney, criminal district attorney, or county attorney with felony criminal jurisdiction determines that a suit brought under this chapter would interfere with an ongoing criminal investigation or prosecution after notifying the attorney general of the investigation or prosecution under Section 140A.108, the district

attorney, criminal district attorney, or county attorney with felony criminal jurisdiction may request, in writing, that the attorney general abate the suit. On receipt of this request, the attorney general shall abate the suit.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1066 (H.B. 3241), Sec. 1, eff. June 14, 2013.

Redesignated from Civil Practice and Remedies Code, Chapter 140 by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(5), eff. September 1, 2015.

Redesignated and amended by Acts 2015, 84th Leg., R.S., Ch. 1236, Sec. 21.002(3), eff. September 1, 2015.

Transferred, redesignated and amended from Civil Practice and Remedies Code, Section 140A.011 by Acts 2017, 85th Leg., R.S., Ch. 685 (H.B. 29), Sec. 7, eff. September 1, 2017.

Sec. 140A.110. DISPOSITION OF ASSETS. (a) An award issued in an action brought under this chapter must be paid in accordance with this section.

(b) After a deduction of any costs of suit, including reasonable attorney's fees and court costs, 80 percent of the amount of the award remaining must be paid to the state, and the remaining 20 percent must be paid, on a pro rata basis, to each law enforcement agency, district attorney's office, criminal district attorney's office, and office of a county attorney with felony criminal jurisdiction found by the court to have assisted in the suit.

(c) The first \$10 million, after any costs of suit described by Subsection (b), that is paid to the state under this chapter in a fiscal year shall be dedicated to the compensation to victims of crime fund described by Subchapter J, Chapter 56B, Code of Criminal Procedure.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1066 (H.B. 3241), Sec. 1, eff. June 14, 2013.

Redesignated from Civil Practice and Remedies Code, Chapter 140 by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(5), eff. September 1, 2015.

Transferred, redesignated and amended from Civil Practice and

Remedies Code, Section 140A.012 by Acts 2017, 85th Leg., R.S., Ch. 685 (H.B. 29), Sec. 7, eff. September 1, 2017.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 2.02, eff. January 1, 2021.

Sec. 140A.111. PREVIOUSLY SEIZED ASSETS. Notwithstanding another provision of this chapter, no remedies provided by this chapter may be assessed against proceeds, contraband, or other property over which a law enforcement agency has previously asserted jurisdiction under Chapter 59, Code of Criminal Procedure, at the time a suit under this chapter was filed.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1066 (H.B. 3241), Sec. 1, eff. June 14, 2013.

Redesignated from Civil Practice and Remedies Code, Chapter 140 by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(5), eff. September 1, 2015.

Transferred, redesignated and amended from Civil Practice and Remedies Code, Section 140A.013 by Acts 2017, 85th Leg., R.S., Ch. 685 (H.B. 29), Sec. 7, eff. September 1, 2017.