

CIVIL PRACTICE AND REMEDIES CODE  
TITLE 6. MISCELLANEOUS PROVISIONS  
CHAPTER 140B. CIVIL REMEDIES AND ENFORCEMENT RELATED TO  
RACKETEERING AND UNLAWFUL DEBT COLLECTION

SUBCHAPTER A. GENERAL PROVISIONS

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

(1) "Beneficial interest":

(A) means the interest of a person:

(i) as a beneficiary under a trust established under the Texas Trust Code (Subtitle B, Title 9, Property Code) in which the trustee for the trust holds legal or record title to real property;

(ii) as a beneficiary under any other trust arrangement under which a trustee holds legal or record title to real property for the benefit of the person; or

(iii) under any other form of express fiduciary arrangement under which any other person holds legal or record title to real property for the benefit of the person; and

(B) does not include the interest of a shareholder in a corporation or the interest of a partner in either a general partnership or a limited partnership.

(2) "Cash or cash proceeds" includes:

(A) damages, penalties, or any other monetary payment;

(B) monetary proceeds from property forfeited to the state under Subchapter C; or

(C) any payment made by a defendant by reason of a decree or settlement in an action filed under Subchapter C.

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

(4) "Investigative agency" means the Department of Public Safety, the attorney general, or a local prosecutor.

(5) "Local prosecutor" means a district attorney, criminal district attorney, or county attorney with felony criminal

jurisdiction.

(6) "Money" means funds as defined by Section [34.01](#), Penal Code.

(7) "Real property" means any real property or any interest in real property, including any lease of or mortgage on real property.

Added by Acts 2023, 88th Leg., R.S., Ch. 885 (H.B. [4635](#)), Sec. 2, eff. September 1, 2023.

Sec. 140B.002. SPECIAL DOCKETING PROCEDURES. The attorney general or local prosecutor may file with the clerk of the district court in which an action 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 action is pending. On receiving the copy of the certificate, the administrative judge shall immediately designate a judge to hear and determine the action. The designated judge shall promptly assign the action for hearing, participate in hearings, make determinations, and cause the action to be expedited.

Added by Acts 2023, 88th Leg., R.S., Ch. 885 (H.B. [4635](#)), Sec. 2, eff. September 1, 2023.

Sec. 140B.003. PREVIOUSLY SEIZED ASSETS. Notwithstanding any other provision of this chapter, a remedy provided by this chapter may not be assessed against, and the attorney general may not claim or pursue in an action brought under this chapter, any proceeds, contraband, or other property of any kind over which a law enforcement authority has previously asserted jurisdiction under Chapter [59](#), Code of Criminal Procedure, at the time an action under this chapter was filed.

Added by Acts 2023, 88th Leg., R.S., Ch. 885 (H.B. [4635](#)), Sec. 2, eff. September 1, 2023.

#### SUBCHAPTER B. CIVIL INVESTIGATIVE AUTHORITY

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

(1) "Civil investigative demand" means any demand issued by the attorney general or a local prosecutor 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) "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).

(4) "Racketeering investigation" means any inquiry conducted by the attorney general or a local prosecutor 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.

(5) "Racketeering violation" means conduct constituting an offense under Section 72.02, 72.03, or 72.04, Penal Code.

Added by Acts 2023, 88th Leg., R.S., Ch. 885 (H.B. 4635), Sec. 2, eff. September 1, 2023.

Sec. 140B.052. CIVIL INVESTIGATIVE DEMAND. If the attorney general or a local prosecutor 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 or local prosecutor may, before beginning a civil proceeding under this chapter, 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 2023, 88th Leg., R.S., Ch. 885 (H.B. [4635](#)), Sec. 2, eff. September 1, 2023.

Sec. 140B.053. CONTENTS OF DEMAND. (a) A civil investigative demand issued under Section [140B.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 2023, 88th Leg., R.S., Ch. 885 (H.B. 4635), Sec. 2, eff. September 1, 2023.

Sec. 140B.054. SERVICE; PROOF OF SERVICE. (a) Service of any civil investigative demand or petition filed under Section 140B.055 or 140B.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 140B.055 or 140B.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 140B.055 or 140B.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 2023, 88th Leg., R.S., Ch. 885 (H.B. 4635), Sec. 2, eff. September 1, 2023.

Sec. 140B.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 or local prosecutor, as applicable, in accordance with Section [140B.054](#). The attorney general or local prosecutor 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 or local prosecutor issued the demand in good faith and within the scope of the attorney general's or local prosecutor's authority.

Added by Acts 2023, 88th Leg., R.S., Ch. 885 (H.B. [4635](#)), Sec. 2, eff. September 1, 2023.

Sec. 140B.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 [140B.055](#), provided that the petitioner shall comply with any portions of the demand not sought to be modified or set aside.

Added by Acts 2023, 88th Leg., R.S., Ch. 885 (H.B. [4635](#)), Sec. 2, eff. September 1, 2023.

Sec. 140B.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 or local prosecutor, as applicable, 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 or local prosecutor. The attorney general or local prosecutor 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 or local prosecutor 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 2023, 88th Leg., R.S., Ch. 885 (H.B. [4635](#)), Sec. 2, eff. September 1, 2023.

Sec. 140B.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 2023, 88th Leg., R.S., Ch. 885 (H.B. [4635](#)), Sec. 2, eff. September 1, 2023.

Sec. 140B.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 or local prosecutor, and except as provided by this subsection, the testimony must be taken stenographically and may be transcribed. The attorney general or local prosecutor 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 or local prosecutor.

(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 or local prosecutor 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 or



local prosecutor 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 or local prosecutor. 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 or local prosecutor.

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

(h) The attorney general or local prosecutor 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 2023, 88th Leg., R.S., Ch. 885 (H.B. [4635](#)), Sec. 2, eff. September 1, 2023.

Sec. 140B.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 or local prosecutor 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 or local prosecutor 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 or local prosecutor.

Added by Acts 2023, 88th Leg., R.S., Ch. 885 (H.B. [4635](#)), Sec. 2, eff. September 1, 2023.

Sec. 140B.061. CRIMINAL OFFENSE: 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 Class A misdemeanor.

Added by Acts 2023, 88th Leg., R.S., Ch. 885 (H.B. [4635](#)), Sec. 2, eff. September 1, 2023.

Sec. 140B.062. DISCLOSURE AND USE OF MATERIAL AND INFORMATION. (a) The civil investigative demand issued by the attorney general or local prosecutor, 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 or local prosecutor 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 or local prosecutor;
- (3) to an employee or other person under the direction of the attorney general or local prosecutor;
- (4) to an agency of this state, the United States, or

another state or foreign country;

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

(6) to a person authorized by the attorney general or local prosecutor to receive the information.

(c) The attorney general or local prosecutor 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 or local prosecutor determines necessary in the enforcement of this chapter, including presentation before court.

Added by Acts 2023, 88th Leg., R.S., Ch. 885 (H.B. 4635), Sec. 2, eff. September 1, 2023.

Sec. 140B.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 2023, 88th Leg., R.S., Ch. 885 (H.B. 4635), Sec. 2, eff. September 1, 2023.

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

Added by Acts 2023, 88th Leg., R.S., Ch. 885 (H.B. 4635), Sec. 2, eff. September 1, 2023.

## SUBCHAPTER C. CIVIL REMEDIES

Sec. 140B.101. CIVIL REMEDIES. A district court may, after making due provision for the rights of innocent persons, enjoin conduct constituting an offense under Section 72.02, 72.03, or 72.04, Penal Code, by issuing appropriate orders and judgments, including:

(1) ordering a defendant to divest of any interest in any enterprise, including real property;

(2) imposing reasonable restrictions on the future activities or investments of a defendant, including prohibiting a defendant from engaging in the same type of endeavor as the enterprise in which the defendant was engaged in conduct constituting an offense under Section 72.02, 72.03, or 72.04, Penal Code;

(3) ordering the dissolution or reorganization of an enterprise;

(4) ordering the suspension or revocation of a license, permit, or approval previously granted to an enterprise by any state agency; or

(5) ordering the forfeiture of the charter of a corporation organized under the laws of this state, or the revocation of a certificate allowing a foreign corporation to conduct business within this state, on finding that:

(A) the board of directors or a managerial agent acting on behalf of the corporation, in conducting the affairs of the corporation, has authorized or engaged in conduct constituting an offense under Section 72.02, 72.03, or 72.04, Penal Code; and

(B) for the prevention of future criminal activity, the public interest requires the charter of the corporation forfeited and the corporation dissolved or the certificate revoked.

Added by Acts 2023, 88th Leg., R.S., Ch. 885 (H.B. 4635), Sec. 2, eff. September 1, 2023.

Sec. 140B.102. CIVIL FORFEITURE OF PROPERTY. (a) All property, real or personal, including money, used in the course of, intended for use in the course of, derived from, or realized through conduct constituting an offense under Section 72.02, 72.03, or 72.04, Penal Code, is subject to civil forfeiture to the state under this chapter.

(b) An investigative agency, on behalf of this state, may bring a civil action for forfeiture:

(1) in the district court for the judicial district in

which real or personal tangible property described by Subsection (a) is located;

(2) in a district court in this state regarding intangible property described by Subsection (a); and

(3) in the county in which real or personal tangible property described by Subsection (a) was seized.

(c) On entry of a final judgment of forfeiture in favor of the state, the title of the state to the forfeited property shall relate back:

(1) in the case of real property or a beneficial interest:

(A) to the date of filing of a lien notice under Chapter 68, Property Code, in the official records of the county where the real property or beneficial trust is located;

(B) if no lien notice is filed, to the date of the filing of any notice of lis pendens under Section 68.056(a), Property Code, in the official records of the county where the real property or beneficial interest is located; or

(C) if no lien notice or notice of lis pendens is filed, to the date of recording of the final judgment of forfeiture in the official records of the county where the real property or beneficial interest is located; or

(2) in the case of personal property, to the date the personal property was seized by the investigative agency.

(d) For purposes of this section, a beneficial interest is considered to be located where real property owned by the trustee is located.

Added by Acts 2023, 88th Leg., R.S., Ch. 885 (H.B. 4635), Sec. 2, eff. September 1, 2023.

Sec. 140B.103. CONVEYANCE OF PROPERTY SUBJECT TO FORFEITURE. (a) If property subject to forfeiture is conveyed, alienated, disposed of, diminished in value, or otherwise rendered unavailable for forfeiture, the investigative agency may, on behalf of the state, bring an action in any district court against the person named in the lien notice under Chapter 68, Property Code, or the defendant in the relevant civil action or criminal

proceeding. If a civil action is pending, the action shall be filed only in the court where the civil action is pending.

(b) The court in an action brought under Subsection (a) shall:

(1) enter final judgment against the person named in the lien notice or the defendant in the relevant civil action or criminal proceeding in an amount equal to:

(A) the fair market value of the property; and

(B) the investigative costs and attorney fees incurred by the investigative agency in the action; or

(2) order the forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

Added by Acts 2023, 88th Leg., R.S., Ch. 885 (H.B. [4635](#)), Sec. 2, eff. September 1, 2023.

Sec. 140B.104. DISPOSITION OF FORFEITED PROPERTY. (a) The state shall dispose of all forfeited property as soon as commercially feasible. If property is not exercisable or transferable for value by the state, the state may destroy or otherwise dispose of the property.

(b) All forfeitures or dispositions under this subchapter shall be made with due provision for the rights of innocent persons.

(c) The state shall promptly distribute the proceeds realized from the forfeiture and disposition of property under this section in accordance with Subchapter D.

Added by Acts 2023, 88th Leg., R.S., Ch. 885 (H.B. [4635](#)), Sec. 2, eff. September 1, 2023.

Sec. 140B.105. SEIZURE OF PROPERTY. (a) Property subject to forfeiture under this subchapter may be seized by a law enforcement officer on court process. Seizure without process may be made if:

(1) the seizure is incident to a lawful arrest or search conducted under a warrant issued under Chapter [18](#), Code of Criminal Procedure; or

(2) the property subject to seizure has been the subject of a previous judgment in favor of the state in a forfeiture

action brought under this subchapter.

(b) For a seizure conducted under this section, an investigative agency shall promptly commence a forfeiture action under Section [140B.102](#).

Added by Acts 2023, 88th Leg., R.S., Ch. 885 (H.B. [4635](#)), Sec. 2, eff. September 1, 2023.

Sec. 140B.106. STORAGE OF SEIZED PROPERTY PENDING FORFEITURE ACTION. Property taken or detained under this subchapter is not subject to replevin but is considered to be in the custody of the law enforcement officer making the seizure, subject only to the order of the court. When property is seized under this subchapter, pending forfeiture and final disposition, the law enforcement officer may:

(1) place the property under seal;

(2) remove the property to a place designated by a court; or

(3) require another agency authorized by law to take custody of the property and remove it to an appropriate location.

Added by Acts 2023, 88th Leg., R.S., Ch. 885 (H.B. [4635](#)), Sec. 2, eff. September 1, 2023.

Sec. 140B.107. CIVIL ACTION BROUGHT BY ATTORNEY GENERAL, LOCAL PROSECUTOR, OR STATE AGENCY. (a) The office of the attorney general, a local prosecutor, or a state agency having jurisdiction over conduct constituting an offense under Section [72.02](#), [72.03](#), or [72.04](#), Penal Code, may institute civil actions under this subchapter. The attorney general or a state agency may institute an action under Section [140B.101](#) or [140B.102](#) only if the attorney general or agency receives the consent of the applicable local prosecutor to bring the action.

(b) In an action brought under this subchapter, the district court shall proceed as soon as practicable to the hearing and determination. Pending final determination, the district court may at any time enter injunctions, prohibitions, or restraining orders, or take actions, including the acceptance of satisfactory performance bonds, the court considers proper.

Added by Acts 2023, 88th Leg., R.S., Ch. 885 (H.B. [4635](#)), Sec. 2, eff. September 1, 2023.

Sec. 140B.108. EFFECT OF FINAL JUDGMENT OR DECREE. A final judgment or decree rendered in favor of this state in a criminal proceeding under state law prevents the defendant from asserting in any subsequent civil action brought under this chapter any matter as to which that judgment or decree would be an estoppel as between the parties.

Added by Acts 2023, 88th Leg., R.S., Ch. 885 (H.B. [4635](#)), Sec. 2, eff. September 1, 2023.

Sec. 140B.109. OTHER RELIEF AVAILABLE TO ATTORNEY GENERAL.  
(a) The attorney general may bring an action against a person who engages in conduct constituting an offense under Section [72.02](#), [72.03](#), or [72.04](#), Penal Code, to obtain:

- (1) injunctive relief;
- (2) a civil penalty as provided by this section; and
- (3) reasonable attorney's fees and reasonably incurred costs of investigation or litigation.

(b) A defendant in an action brought under this section is subject to a civil penalty not to exceed:

- (1) \$100,000 if the defendant is an individual; or
- (2) \$1 million if the defendant is not an individual.

(c) The attorney general shall deposit a civil penalty collected under this section to the credit of the general revenue fund. The attorney general shall deposit attorney's fees and costs collected under this section into the attorney general law enforcement account, which may be used to investigate and enforce this chapter.

(d) Any party to an action brought under this section may petition the court for entry of a consent decree or for approval of a settlement agreement. The proposed decree or settlement must specify the alleged violations, the future obligations of the parties, the relief agreed on, and the reasons for entering into the consent decree or settlement agreement.

Added by Acts 2023, 88th Leg., R.S., Ch. 885 (H.B. [4635](#)), Sec. 2,



eff. September 1, 2023.

Sec. 140B.110. NOTICE TO LOCAL PROSECUTOR. (a) In a reasonable time before bringing an action or on initiating an investigation on racketeering, the attorney general shall provide notice to the local prosecutor who 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 bring an action under this chapter or investigate racketeering, as applicable.

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

Added by Acts 2023, 88th Leg., R.S., Ch. 885 (H.B. 4635), Sec. 2, eff. September 1, 2023.

Sec. 140B.111. COOPERATION WITH LOCAL PROSECUTOR. (a) A local prosecutor who receives notice under Section 140B.110 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 local prosecutor to ensure that the filing of an action under this chapter does not interfere with an ongoing criminal investigation or prosecution. The attorney general shall update the local prosecutor on matters affecting the action or the investigation.

Added by Acts 2023, 88th Leg., R.S., Ch. 885 (H.B. 4635), Sec. 2, eff. September 1, 2023.

Sec. 140B.112. ABATEMENT OF ACTION. If the local prosecutor determines that an action 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 140B.111, the local

prosecutor may request, in writing, that the attorney general abate the action. On receipt of this request, the attorney general shall abate the action.

Added by Acts 2023, 88th Leg., R.S., Ch. 885 (H.B. 4635), Sec. 2, eff. September 1, 2023.

Sec. 140B.113. LIMITATIONS; TOLLING. (a) Notwithstanding any other law, the attorney general or a local prosecutor must bring an action under this chapter not later than the fifth anniversary of the later of:

(1) the date the conduct that is the basis for the action terminates; or

(2) the date the cause of action accrues.

(b) If an indictment for an offense under Section 72.02, 72.03, or 72.04, Penal Code, is presented or a civil action is brought, or intervened in, to punish, prevent, or restrain conduct constituting an offense under Section 72.02, 72.03, or 72.04, Penal Code, the running of the period of limitations prescribed by this section with respect to any cause of action arising under Section 140B.109 that is wholly or partly based on a matter complained of in the indictment or the pleadings in the action, as applicable, is suspended during the pendency of the prosecution or litigation of the action, as applicable, and extended for two years following its termination.

Added by Acts 2023, 88th Leg., R.S., Ch. 885 (H.B. 4635), Sec. 2, eff. September 1, 2023.

Sec. 140B.114. MULTIPLE REMEDIES ALLOWED. The application of one civil remedy under a provision of this chapter does not preclude the application of any other remedy, civil or criminal, under this chapter or any other law. Civil remedies under this chapter are supplemental and not mutually exclusive.

Added by Acts 2023, 88th Leg., R.S., Ch. 885 (H.B. 4635), Sec. 2, eff. September 1, 2023.

SUBCHAPTER D. DISPOSITION OF FUNDS OBTAINED THROUGH FORFEITURE  
ACTIONS

Sec. 140B.151. INITIAL DISTRIBUTION. (a) A court entering a judgment of forfeiture in an action brought under Subchapter C retains jurisdiction to direct the distribution of any cash or cash proceeds realized from the forfeiture and disposition of the property. The court shall direct the distribution of the funds in the following order of priority:

(1) statutory fees to which the clerk of the court may be entitled;

(2) claims against the property by persons who have previously been judicially determined to be innocent persons and whose interests are preserved from forfeiture by the court and not otherwise satisfied; and

(3) subject to Subsection (c), claims for restitution by victims of the racketeering activity.

(b) A claim under Subsection (a)(2) may include a claim by a person appointed by the court as receiver pending litigation.

(c) If the attorney general brought the forfeiture action, restitution shall be distributed through the compensation to victims of crime fund. If the attorney general did not bring the forfeiture action, restitution shall be distributed by the clerk of the court.

Added by Acts 2023, 88th Leg., R.S., Ch. 885 (H.B. [4635](#)), Sec. 2, eff. September 1, 2023.

Sec. 140B.152. DISTRIBUTION OF REMAINING MONEY.

(a) Following satisfaction of all valid claims under Section [140B.151](#), the remaining money obtained in the forfeiture proceeding shall be deposited as follows:

(1) 25 percent into the appropriate trust fund of the attorney general or local prosecutor's office that filed the civil forfeiture action as provided by Subsection (c);

(2) 25 percent into the applicable law enforcement trust fund of the investigative agency that conducted the investigation that resulted in or significantly contributed to the

forfeiture of the property as provided by Subsection (d); and

(3) 50 percent into the general revenue fund.

(b) If a forfeiture action is filed by the attorney general or a local prosecutor, the court entering the judgment of forfeiture shall, taking into account the overall effort and contribution to the investigation and forfeiture action by the agencies that filed the action, make a pro rata apportionment among those agencies of the money available for distribution to those agencies as provided by this subchapter. If multiple investigative agencies have contributed to the forfeiture of the property, the court that entered the judgment of forfeiture shall, taking into account the overall effort and contribution of the agencies to the investigation and forfeiture action, make a pro rata apportionment among those investigative agencies of the money available for distribution to the investigative agencies as provided by this subchapter.

(c) If a forfeiture action is filed by the attorney general, any money obtained by the attorney general under this section shall be deposited in the same manner described by Article 59.06(k)(3), Code of Criminal Procedure, and may be expended for the purposes and in the manner authorized by that section.

(d) If a forfeiture action is filed by a district or county attorney, any money obtained by the district or county attorney's office under this section may be used to pay the costs of investigations under Subchapter B and the resulting criminal prosecutions and civil actions. Such costs may include:

(1) all taxable costs;

(2) costs of protecting, maintaining, and forfeiting the property;

(3) employees' base salaries and compensation for overtime; and

(4) other costs that are directly attributable to the investigation, prosecution, or civil action.

(e) Any money distributed to an investigative agency under Subsection (a) shall be deposited in the applicable law enforcement fund or account established for that agency and expended for the purposes and in the manner authorized for that fund or account. In

addition, any money distributed to an investigative agency under this section may be used to pay the costs of investigations under Subchapter B and the resulting criminal prosecutions and civil actions. Such costs may include:

- (1) all taxable costs;
- (2) costs of protecting, maintaining, and forfeiting the property;
- (3) employees' base salaries and compensation for overtime; and
- (4) other costs directly attributable to the investigation, prosecution, or civil action.

Added by Acts 2023, 88th Leg., R.S., Ch. 885 (H.B. [4635](#)), Sec. 2, eff. September 1, 2023.

Sec. 140B.153. EFFECT ON SETTLEMENTS. (a) This subchapter may not be construed to limit the authority of an entity that files a forfeiture action under Subchapter C to settle a claim for forfeiture.

(b) Any proceeds arising from a settlement or from the sale of property obtained in a settlement shall be distributed in the manner described by Sections [140B.151](#) and [140B.152](#).

Added by Acts 2023, 88th Leg., R.S., Ch. 885 (H.B. [4635](#)), Sec. 2, eff. September 1, 2023.

Sec. 140B.154. TEMPORARY DEPOSIT IN COURT REGISTRY. Pending the final distribution of the cash or cash proceeds under this subchapter, the court may authorize the cash or cash proceeds to be deposited in the court registry or in a qualified public depository.

Added by Acts 2023, 88th Leg., R.S., Ch. 885 (H.B. [4635](#)), Sec. 2, eff. September 1, 2023.