

GOVERNMENT CODE

TITLE 4. EXECUTIVE BRANCH

SUBTITLE A. EXECUTIVE OFFICERS

CHAPTER 402. ATTORNEY GENERAL

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 402.001. ASSISTANTS. (a) If the attorney general is absent or unable to act, the attorney general's first office assistant shall perform the duties of the attorney general that are prescribed by law.

(b) The attorney general shall, at the request of an agency, designate one or more assistants to attend the meetings of the agency if the attorney general served as an ex officio member of the governing board of the agency on August 23, 1963.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Sec. 402.002. REGISTER. (a) The attorney general shall keep in a proper book a register of:

(1) the official acts and opinions of the attorney general; and

(2) actions, demands, and related proceedings involving state revenue prosecuted or defended by the attorney general or a district or county attorney.

(b) The attorney general shall deliver the register to the successor to that office.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Sec. 402.003. REPORT. The attorney general shall report to the governor on the first Monday of December of each even-numbered year. The report must include the following information for the preceding two years:

(1) a summary of the cases in which the state was a party that were acted on by the supreme court and court of criminal appeals; and

(2) a summary of civil cases in which the state was a party that were prosecuted or defended by the attorney general in

other state or federal courts.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 2003, 78th Leg., ch. 691, Sec. 1, eff. Sept. 1, 2003.

Sec. 402.004. ADMISSION, AGREEMENT, OR WAIVER. An admission, agreement, or waiver made by the attorney general in an action or suit to which the state is a party does not prejudice the rights of the state.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Sec. 402.005. ACCEPTANCE OF GIFTS, GRANTS, AND FORFEITED ASSETS; CREATION OF SPECIAL ACCOUNT. (a) The attorney general may not accept or use money offered by an individual, firm, partnership, corporation, or association for investigating or prosecuting a matter.

Text of subsec. (b) as amended by Acts 1993, 73rd Leg., ch. 380,
Sec. 1

(b) The attorney general may accept gifts and grants on behalf of the state for purposes related to duties performed by the attorney general or to public educational opportunities, unless the acceptance is prohibited under Subsection (a) or other law. Money received under this subsection shall be deposited in the state treasury to the credit of an account established in the general revenue fund for the receipt of those funds.

Text of subsec. (b) as amended by Acts 1993, 73rd Leg., ch. 761,
Sec. 7

(b) The attorney general law enforcement account is created as a dedicated account in the general revenue fund in the state treasury. The account shall consist of law enforcement-related gifts and grants, and forfeited assets, and shall be administered by the attorney general.

(c) The attorney general may accept gifts and grants on behalf of the state for purposes related to law enforcement duties

performed by the attorney general, unless the acceptance is prohibited under Subsection (a) or other law. Money received under this subsection shall be deposited in the law enforcement account established pursuant to Subsection (b) and may be appropriated only for the purpose for which the money was given.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1993, 73rd Leg., ch. 380, Sec. 1, eff. June 2, 1993; Acts 1993, 73rd Leg., ch. 761, Sec. 7, eff. Sept. 1, 1993.

Sec. 402.006. FEES. (a) For an affirmance of judgment in a case to which the state is a party and that involves liability to the state, the attorney general is entitled to a fee in an amount equal to 10 percent of the amount collected up to \$1,000 and five percent of the amount collected in excess of \$1,000. This fee shall be paid from the amount collected when it is collected.

(b) For a case involving a forfeiture of a charter heard on appeal before the supreme court or court of appeals, the attorney general is entitled to a fee of \$500.

(c) In a case in which the state is entitled to recover a penalty or damages the attorney general is entitled, in addition to any other remedy available by law and on behalf of the state, to reasonable attorney's fees and court costs.

(d) Expired.

(e) The attorney general may charge a reasonable fee for the electronic filing of a document.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 552 (H.B. [2866](#)), Sec. 1, eff. June 17, 2011.

Acts 2011, 82nd Leg., 1st C.S., Ch. 4 (S.B. [1](#)), Sec. 21.01, eff. September 28, 2011.

Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. [891](#)), Sec. 13.02, eff. September 1, 2019.

Sec. 402.007. PAYMENT TO TREASURY; ALLOCATION OF CERTAIN MONEY RECEIVED BY ATTORNEY GENERAL. (a) The attorney general shall immediately pay into the state treasury money received for a

debt, a penalty, or restitution.

(b) Subject to Subsection (d), the comptroller shall credit to the judicial fund for programs approved by the supreme court that provide basic civil legal services to the indigent the net amount of:

(1) a civil penalty or payment, excluding attorney's fees or costs, that is recovered in an action by the attorney general in any matter actionable under the Business & Commerce Code, after deducting amounts allocated to or retained by the attorney general as authorized by law, unless:

(A) another law requires that the funds be credited to a different fund or account; or

(B) the judgment awarding the funds requires that the funds be paid to another identifiable recipient; and

(2) civil restitution recovered by the attorney general in an action brought by the attorney general if, on the hearing of an ex parte motion filed by the attorney general after the entry of a judgment awarding civil restitution, the court:

(A) determines that, based on the facts and circumstances of the case:

(i) it is impossible or impracticable to identify injured parties;

(ii) it is impossible or impracticable to determine the degree to which each claimant was injured and entitled to recover;

(iii) the cost of administering a claim procedure will disproportionately reduce the amount of restitution available for the payment of individual claims; or

(iv) the claims of all identifiable persons eligible to receive restitution have been paid without exhausting the funds available for restitution; and

(B) enters a judgment or order that the restitution be credited to the judicial fund for programs approved by the supreme court that provide basic civil legal services to the indigent.

(c) If a court enters a judgment or order that restitution be credited to the judicial fund, the attorney general shall notify

the Legislative Budget Board and shall distribute that restitution in accordance with the court judgment or order.

(d) The total amount credited to the judicial fund for programs approved by the supreme court that provide basic civil legal services to the indigent under Subsection (b) may not exceed \$50 million per state fiscal year.

(e) The provisions of this section do not limit the common law authority or other statutory authority of the attorney general to seek and obtain cy pres distribution from a court.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 853 (S.B. 2279), Sec. 1, eff. June 19, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 208 (H.B. 1445), Sec. 2, eff. May 28, 2013.

Acts 2015, 84th Leg., R.S., Ch. 520 (H.B. 1079), Sec. 1, eff. June 16, 2015.

Acts 2019, 86th Leg., R.S., Ch. 191 (H.B. 2235), Sec. 1, eff. May 24, 2019.

Sec. 402.008. OFFICE. The attorney general shall keep the attorney general's office in Austin.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Sec. 402.009. AUTHORITY TO EMPLOY AND COMMISSION PEACE OFFICERS. (a) The attorney general may employ and commission peace officers as investigators for the limited purpose of assisting the attorney general in carrying out the duties of that office relating to prosecution assistance and crime prevention.

(b) The attorney general shall ensure that a commissioned peace officer employed as authorized under Subsection (a) is compensated according to Schedule C of the position classification salary schedule prescribed by the General Appropriations Act.

Added by Acts 1991, 72nd Leg., ch. 545, Sec. 1, eff. Aug. 26, 1991.

Amended by Acts 1999, 76th Leg., ch. 599, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1055 (H.B. 2037), Sec. 1, eff. September 1, 2015.

Sec. 402.010. LEGAL CHALLENGES TO CONSTITUTIONALITY OF STATE STATUTES. (a) In an action in which a party to the litigation files a petition, motion, or other pleading challenging the constitutionality of a statute of this state, the party shall file the form required by Subsection (a-1). The court shall, if the attorney general is not a party to or counsel involved in the litigation, serve notice of the constitutional challenge and a copy of the petition, motion, or other pleading that raises the challenge on the attorney general either by certified or registered mail or electronically to an e-mail address designated by the attorney general for the purposes of this section.

(a-1) The Office of Court Administration of the Texas Judicial System shall adopt the form that a party challenging the constitutionality of a statute of this state must file with the court in which the action is pending indicating which pleading should be served on the attorney general in accordance with this section.

(b) A court may not enter a final judgment holding a statute of this state unconstitutional before the 45th day after the date notice required by Subsection (a) is served on the attorney general.

(c) A party's failure to file as required by Subsection (a) or a court's failure to serve notice as required by Subsection (a) does not deprive the court of jurisdiction or forfeit an otherwise timely filed claim or defense based on the challenge to the constitutionality of a statute of this state.

(d) This section or the state's intervention in litigation in response to notice under this section does not constitute a waiver of sovereign immunity.

Added by Acts 2011, 82nd Leg., R.S., Ch. 808 (H.B. 2425), Sec. 1, eff. June 17, 2011.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1162 (S.B. 392), Sec. 1, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1276 (H.B. 1435), Sec. 4, eff. September 1, 2013.

SUBCHAPTER B. DUTIES

Sec. 402.021. REPRESENTATION OF STATE. The attorney general shall prosecute and defend all actions in which the state is interested before the supreme court and courts of appeals.
Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Sec. 402.0212. PROVISION OF LEGAL SERVICES--OUTSIDE COUNSEL. (a) Except as authorized by other law, a contract for legal services between an attorney, other than a full-time employee of the agency, and a state agency in the executive department, other than an agency established by the Texas Constitution, must be approved by the attorney general to be valid. The attorney general shall provide legal services for a state agency for which the attorney general determines those legal services are appropriate and for which the attorney general denies approval for a contract for those services under this subsection.

(b) An invoice submitted to a state agency under a contract for legal services as described by Subsection (a) must be:

(1) submitted to the attorney general by the agency's office of general counsel not later than the 25th day after the date the agency receives the invoice except as provided by Subsection (b-2); and

(2) reviewed by the attorney general only to determine whether the legal services for which the agency is billed were performed within the term of the contract and are within the scope of the legal services authorized by the contract and are therefore eligible for payment.

(b-1) A state agency's office of general counsel shall include with an invoice submitted under Subsection (b)(1) a written certification that the legal services for which the agency is billed were performed within the term of the contract, are within the scope of the legal services authorized by the contract, and are reasonably necessary to fulfill the purpose of the contract. To

certify an invoice under this subsection, a state agency must, at a minimum, determine that the following items are supported by proper documentation and submitted to the agency under the requirements of the contract:

(1) the amount and types of expenses billed under the invoice;

(2) the rates for legal services under the invoice; and

(3) the number of hours billed for legal services under the invoice.

(b-2) If a state agency that receives an invoice under a contract for legal services as described by Subsection (a) rejects or disputes the invoice as not certifiable under Subsection (b-1), the agency shall, not later than the 21st day after the date the agency receives the invoice, notify the attorney or law firm providing the invoice and request a corrected invoice. The period under Subsection (b)(1) begins on the date the agency receives a corrected invoice that is certifiable under Subsection (b-1).

(b-3) If the attorney general rejects or disputes an invoice and certification submitted by a state agency under this section, the attorney general shall notify the agency that the invoice is not eligible for payment. A state agency may submit a corrected invoice and certification, and the requirements of Subsections (b), (b-1), and (b-2) apply to the corrected invoice and certification.

(c) An attorney or law firm must pay an administrative fee to the attorney general for the review described in Subsection (b) when entering into a contract to provide legal services to a state agency.

(d) For purposes of this section, the functions of a hearing examiner, administrative law judge, or other quasi-judicial officer are not considered legal services.

(e) This section shall not apply to the Texas Turnpike Authority division of the Texas Department of Transportation.

(f) The attorney general may adopt rules as necessary to implement and administer this section.

Added by Acts 1991, 72nd Leg., 1st C.S., ch. 4, Sec. 5.01, eff. Aug. 22, 1991. Amended by Acts 1993, 73rd Leg., ch. 753, Sec. 3, eff.

June 17, 1993; Acts 2001, 77th Leg., ch. 1420, Sec. 9.003, eff. Sept. 1, 2001.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1257 (S.B. 367), Sec. 1, eff. June 17, 2011.

Acts 2019, 86th Leg., R.S., Ch. 399 (S.B. 1370), Sec. 1, eff. September 1, 2019.

Sec. 402.0213. APPEARANCE THROUGH VIDEOCONFERENCING TECHNOLOGY. (a) The office of the attorney general may use videoconferencing technology:

(1) as a substitute for personal appearances in civil and criminal proceedings, as approved by the court; and

(2) for any proceeding, conference, or training conducted by an employee of the office of the attorney general whose duties include the implementation of Chapters 56A and 56B and Subchapter B, Chapter 58, Code of Criminal Procedure, and Chapter 57, Family Code.

(b) In this section, "videoconferencing technology" means technology that provides for a conference of individuals in different locations, connected by electronic means, through audio, video, or both.

(c) The attorney general shall obtain the approval of the appropriate authority overseeing a proceeding under Subsection (a)(2) before using videoconferencing technology under this section.

Added by Acts 1997, 75th Leg., ch. 509, Sec. 1, eff. Sept. 1, 1997.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 2.42, eff. January 1, 2021.

Sec. 402.023. CORPORATE CHARTERS. (a) Unless provided otherwise by law, the attorney general shall seek a judicial forfeiture of a private corporation's charter if sufficient cause exists. If satisfactory evidence is presented to the attorney general that a corporation receiving state aid has forfeited its charter or rights under its charter, the attorney general shall

immediately seek a judicial forfeiture of the charter.

(b) The attorney general shall inquire into the charter rights of each private corporation and act in the name of the state as proper and necessary to prevent the corporation from exercising a power or demanding or collecting a tax, toll, freight, or wharfage not authorized by law.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Sec. 402.0231. CORPORATE INTEGRITY UNIT. (a) In this section, "corporate fraud" means a violation of state or federal law or rules relating to fraud committed by a corporation, limited liability company, or registered limited liability partnership or an officer, director, or partner of those entities while acting in a representative capacity.

(b) A corporate integrity unit is created within the office of the attorney general to assist in the enforcement of the laws relating to corporate fraud or other similar illegal activities. The unit shall:

(1) assist district attorneys and county attorneys in the investigation and prosecution of corporate fraud or other similar illegal activities allegedly committed by corporations, limited liability companies, and registered limited liability partnerships;

(2) assist state agencies with investigation of complaints and administrative enforcement actions for corporate fraud violations, including the assessment of an administrative penalty or other administrative sanction; and

(3) serve as a clearinghouse for information relating to the investigation and prosecution of corporate fraud and other similar illegal activities in this state.

(c) To the extent allowed by law, a state agency or local law enforcement agency shall cooperate with the corporate integrity unit by providing information requested by the unit as necessary to carry out the purposes of this section. Information disclosed under this subsection is confidential and not subject to disclosure under Chapter 552.

Added by Acts 2003, 78th Leg., ch. 932, Sec. 1, eff. Sept. 1, 2003.

Sec. 402.024. DEFENSE OF DISTRICT ATTORNEY OR GRAND JUROR.

(a) The attorney general shall defend a state district attorney in an action in a federal court if:

(1) the district attorney is a defendant because of the district attorney's office;

(2) the cause of action accrued while the person filing the action was confined in the Texas Department of Criminal Justice;

(3) the district attorney requests the attorney general's assistance in the defense; and

(4) there is no action pending against the district attorney in which the attorney general is required to represent the state.

(b) The attorney general shall defend a state grand juror who is a defendant in an action in any court if:

(1) the suit involves an act of the person while in the performance of duties as a grand juror; and

(2) the person requests the attorney general's assistance in the defense.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 4, Sec. 2.01(a), eff. Sept. 1, 1989.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. [1969](#)), Sec. 25.067, eff. September 1, 2009.

Acts 2015, 84th Leg., R.S., Ch. 929 (H.B. [2150](#)), Sec. 19, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 929 (H.B. [2150](#)), Sec. 20, eff. September 1, 2015.

Sec. 402.0241. DEFENSE OF LOCAL ENTITIES IN SUITS RELATED TO IMMIGRATION DETAINER REQUESTS. (a) In this section, "local entity" has the meaning assigned by Section [752.051](#).

(b) The attorney general shall defend a local entity in any action in any court if:

(1) the executive head or governing body, as applicable, of the local entity requests the attorney general's

assistance in the defense; and

(2) the attorney general determines that the cause of action arises out of a claim involving the local entity's good-faith compliance with an immigration detainer request required by Article 2.251, Code of Criminal Procedure.

(c) If the attorney general defends a local entity under Subsection (b), the state is liable for the expenses, costs, judgment, or settlement of the claims arising out of the representation. The attorney general may settle or compromise any and all claims described by Subsection (b)(2). The state may not be liable for any expenses, costs, judgments, or settlements of any claims against a local entity not being represented by the attorney general under Subsection (b).

Added by Acts 2017, 85th Leg., R.S., Ch. 4 (S.B. 4), Sec. 3.01, eff. September 1, 2017.

Sec. 402.025. PROPERTY TRANSACTIONS. (a) If property is sold under a deed of trust or because of an execution, order, or sale on a judgment in favor of the state, except an execution on a judgment in a case of scire facias, the agent representing the state, with the advice and consent of the attorney general, shall purchase the property if the purchase is considered proper to protect the interest of the state in the collection of the judgment or debt. The agent's bid may not exceed the amount necessary to satisfy the judgment or debt and related costs. The officer selling the property shall execute and deliver to the state a deed to the property as if the state were an individual.

(b) The agent, with the advice and consent of the attorney general, may dispose of the property in the manner it was acquired, on the terms and conditions that the agent considers most advantageous to the state. Money received for the property in excess of the amount necessary to satisfy the judgment or debt and related costs shall be deposited in the state treasury to the credit of the general revenue fund. The attorney general, in the name of the state, shall deliver to the purchaser a deed to the property vesting right and title to the property in the purchaser.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Sec. 402.026. INSPECTION OF ACCOUNTS. At least monthly the attorney general shall inspect the accounts of the offices of the comptroller and each other person responsible for collection or custody of state funds. The attorney general shall immediately bring or cause to be brought an action to recover state funds in the hands of a person in default or arrears and shall immediately begin criminal proceedings against a person who has illegally applied or retained state funds.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1997, 75th Leg., ch. 1423, Sec. 8.1, eff. Sept. 1, 1997.

Sec. 402.027. FORMS. On request of the comptroller, the attorney general shall prepare proper forms for contracts, obligations, and other instruments needed for state use.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Sec. 402.028. ASSISTANCE TO PROSECUTING ATTORNEYS. (a) At the request of a district attorney, criminal district attorney, or county attorney, the attorney general may provide assistance in the prosecution of all manner of criminal cases, including participation by an assistant attorney general as an assistant prosecutor when so appointed by the district attorney, criminal district attorney, or county attorney.

(b) A district attorney, criminal district attorney, or county attorney may appoint and deputize an assistant attorney general as assistant prosecutor to provide assistance in the prosecution of criminal cases, including the performance of any duty imposed by law on the district attorney, criminal district attorney, or county attorney.

(c) Nothing in this section shall prohibit an assistant attorney general from appointment as attorney pro tem under the provisions of Article 2.07, Code of Criminal Procedure.

Added by Acts 1995, 74th Leg., ch. 785, Sec. 2, eff. Sept. 1, 1995.

Sec. 402.0281. INTERNET SERVICE PROVIDER DATABASE. (a) The attorney general shall establish a computerized database

containing contact information for all Internet service providers providing service in this state. The contact information must include:

(1) the name and physical address of the person authorized to accept service of process for the Internet service provider; and

(2) the physical address of the Internet service provider's principal place of business in this state.

(b) At the request of a district attorney, criminal district attorney, county attorney, law enforcement agency of this state, or local law enforcement agency, the attorney general shall allow the requestor access to the database to expedite the information-gathering process of a criminal investigation conducted by the requestor concerning an offense under Section [33.021](#), Penal Code.

Added by Acts 2007, 80th Leg., R.S., Ch. 1291 (S.B. 6), Sec. 4, eff. September 1, 2007.

Sec. 402.029. NOTICE OF ATTORNEY OF RECORD. (a) This section applies to each child support case in which the attorney general provides services.

(b) The attorney general shall provide each party or the party's attorney of record with written notice of the name, address, telephone number, and facsimile number of the assistant attorney general who is the attorney of record in the case.

(c) Not later than the seventh day after the date of a change, the attorney general shall provide each party or the party's attorney of record with written notice of a change in the name, address, telephone number, or facsimile number of the assistant attorney general who is the attorney of record in the case.

Added by Acts 1999, 76th Leg., ch. 722, Sec. 1, eff. Sept. 1, 1999.

Sec. 402.030. PARTICIPATION BY FATHERS. (a) The attorney general shall periodically examine office policies and procedures to determine if the policies and procedures deter or encourage participation of fathers in functions performed by the attorney

general relating to children.

(b) Based on the examination required under Subsection (a), the attorney general shall modify policies and procedures as necessary to permit full participation of fathers in functions performed by the attorney general relating to children in all appropriate circumstances.

Added by Acts 2001, 77th Leg., ch. 256, Sec. 3, eff. Sept. 1, 2001.

Sec. 402.031. PREPARATION OF LANDOWNER'S BILL OF RIGHTS STATEMENT. (a) The attorney general shall prepare a written statement that includes a bill of rights for a property owner whose real property may be acquired by a governmental or private entity through the use of the entity's eminent domain authority under Chapter 21, Property Code.

(b) The landowner's bill of rights must notify each property owner that the property owner has the right to:

(1) notice of the proposed acquisition of the owner's property;

(2) a bona fide good faith effort to negotiate by the entity proposing to acquire the property;

(3) an assessment of damages to the owner that will result from the taking of the property;

(4) a hearing under Chapter 21, Property Code, including a hearing on the assessment of damages;

(5) an appeal of a judgment in a condemnation proceeding, including an appeal of an assessment of damages; and

(6) file a written complaint with the Texas Real Estate Commission under Section 1101.205, Occupations Code, regarding alleged misconduct by a registered easement or right-of-way agent acting on behalf of the entity exercising eminent domain authority.

(c) The statement must include:

(1) the title, "Landowner's Bill of Rights"; and

(2) a description of:

(A) the condemnation procedure provided by Chapter 21, Property Code;

(B) the condemning entity's obligations to the

property owner; and

(C) the property owner's options during a condemnation, including the property owner's right to object to and appeal an amount of damages awarded.

(c-1) The statement must also include an addendum of the terms required for an instrument of conveyance under Section [21.0114\(c\)](#), Property Code, and the terms a property owner may negotiate under Section [21.0114\(d\)](#), Property Code.

(d) The office of the attorney general shall:

(1) write the statement in plain language designed to be easily understood by the average property owner; and

(2) make the statement available on the attorney general's Internet website.

(e) At least once every two years, the attorney general shall:

(1) evaluate the landowner's bill of rights statement, including the addendum required by Subsection (c-1), for compliance with the requirements of this section, including the requirement under Subsection (d) that the statement be written in plain language designed to be easily understood by the average property owner; and

(2) subject to Subsection (f), make any change to the landowner's bill of rights statement and addendum that the attorney general determines necessary to comply with the requirements of this section, including making a change to the writing style of the statement or addendum necessary to improve compliance with Subsection (d).

(f) Before making any changes to the landowner's bill of rights statement under Subsection (e), the office of the attorney general shall:

(1) publish the proposed changes in the Texas Register; and

(2) accept public comment regarding the proposed statement for a reasonable period after the date the proposed statement is published under Subdivision (1).

Added by Acts 2007, 80th Leg., R.S., Ch. 1201 (H.B. [1495](#)), Sec. 2, eff. February 1, 2008.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 826 (H.B. 2730), Sec. 1, eff. January 1, 2022.

Sec. 402.033. REPORTING FRAUDULENT ACTIVITIES. (a) In this section:

(1) "Authorized governmental agency" means:

(A) the attorney general;

(B) a local or state law enforcement agency of this state or a federal law enforcement agency;

(C) a prosecuting attorney of the United States or of a county or judicial district of this state; or

(D) the Department of Public Safety, the Texas Department of Insurance, the Office of Consumer Credit Commissioner, the Texas Department of Banking, the credit union department, the Department of Savings and Mortgage Lending, the Texas Real Estate Commission, the Texas Appraiser Licensing and Certification Board, or the Texas Department of Housing and Community Affairs.

(2) "Fraudulent activity" means any act that constitutes a violation of a penal law and is part of an attempt or scheme to defraud any person.

(b) If a person determines or reasonably suspects that fraudulent activity has been committed or is about to be committed, the person shall report the information to an authorized governmental agency. If a person reports the information to the attorney general, the attorney general shall notify an appropriate law enforcement agency with jurisdiction to investigate the fraudulent activity. If a financial institution or person voluntarily or pursuant to this section reports fraudulent activity to an authorized governmental agency, the financial institution or person may not notify any person involved in the fraudulent activity that the fraudulent activity has been reported, and the authorized governmental agency who has any knowledge that such report was made shall not disclose to any person involved in the fraudulent activity that the fraudulent activity has been reported. Any financial institution or person that makes a

voluntary report of any possible violation of law or regulation to an authorized governmental agency shall not be liable to any person under any law or regulation of the state or the United States for such report.

(c) This section does not eliminate or diminish any common law or statutory privilege or immunity.

(d) An authorized governmental agency may share confidential information or information to which access is otherwise restricted by law with one or more other authorized governmental agencies. Except as provided by this subsection, confidential information that is shared under this subsection remains confidential and legal restrictions on access to the information apply.

Added by Acts 2007, 80th Leg., R.S., Ch. 285 (H.B. 716), Sec. 2, eff. September 1, 2007.

Renumbered from Government Code, Section 402.031 by Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 27.001(20), eff. September 1, 2009.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 709 (H.B. 2840), Sec. 1, eff. September 1, 2009.

Acts 2017, 85th Leg., R.S., Ch. 553 (S.B. 526), Sec. 1(b), eff. September 1, 2017.

Sec. 402.034. HUMAN TRAFFICKING PREVENTION COORDINATING COUNCIL. (a) In this section, "council" means the human trafficking prevention coordinating council.

(b) The office of the attorney general shall establish the human trafficking prevention coordinating council to develop and implement a five-year strategic plan for preventing human trafficking in this state.

(c) The council is composed of the following:

- (1) the governor or the governor's designee;
- (2) the attorney general or the attorney general's designee;
- (3) the commissioner of the Department of Family and Protective Services or the commissioner's designee;

(4) the public safety director of the Department of Public Safety or the director's designee;

(5) one representative from each of the following state agencies, appointed by the chief administrative officer of the respective agency:

- (A) the Texas Workforce Commission;
- (B) the Texas Alcoholic Beverage Commission;
- (C) the Parks and Wildlife Department; and
- (D) the Texas Department of Licensing and Regulation; and

(6) one representative of any other state agency appointed by the chief administrative officer of the agency, if the human trafficking prevention task force established under Section [402.035](#) and the council determine that a representative from the state agency is a necessary member of the council.

(d) The presiding officer of the council is the attorney general or the attorney general's designee.

(e) For each five-year period, the council shall:

(1) develop and implement a strategic plan for preventing human trafficking in this state; and

(2) submit the strategic plan to the legislature.

(f) The strategic plan must include:

(1) an inventory of human trafficking prevention programs and services in this state that are administered by state agencies, including institutions of higher education, and political subdivisions;

(2) regarding the programs and services described by Subdivision (1):

(A) a report on the number of persons served by the programs and services; and

(B) a plan to coordinate the programs and services to achieve the following goals:

(i) eliminate redundancy;

(ii) ensure the agencies' use of best practices in preventing human trafficking; and

(iii) identify and collect data regarding the efficacy of the programs and services; and

(3) in relation to the goals for programs and services as described by Subdivision (2)(B), a plan to coordinate the expenditure of state funds allocated to prevent human trafficking in this state, including the expenditure of state funds by the human trafficking prevention task force established under Section [402.035](#).

(g) Not later than December 1 of each even-numbered year, the council shall submit to the legislature a report detailing the progress of the strategic plan's implementation. The report must include:

(1) a description of the level of participation in the strategic plan by each agency represented on the council and how the implementation of the strategic plan serves to coordinate the programs and services described by Subsection (f)(1) and achieve the goals described by Subsection (f)(2)(B); and

(2) an update of the inventory of programs and services described by Subsection (f)(1) and how each program or service furthers the goals of the strategic plan.

(h) The office of the attorney general shall make available on the office's Internet website the strategic plan and the report required under Subsection (g).

Added by Acts 2019, 86th Leg., R.S., Ch. 66 (S.B. [72](#)), Sec. 1, eff. September 1, 2019.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 856 (S.B. [800](#)), Sec. 3, eff. September 1, 2021.

Sec. 402.035. HUMAN TRAFFICKING PREVENTION TASK FORCE. (a) In this section, "task force" means the human trafficking prevention task force.

(b) The office of the attorney general shall establish the human trafficking prevention task force to develop policies and procedures to assist in the prevention and prosecution of human trafficking crimes.

(b-1) A state or local law enforcement agency, district attorney, or county attorney that assists in the prevention of human trafficking shall, at the request of the task force,

cooperate and assist the task force in collecting any statistical data on the nature and extent of human trafficking in the possession of the law enforcement agency or district or county attorney.

(c) The task force is composed of the following:

- (1) the governor or the governor's designee;
- (2) the attorney general or the attorney general's designee;
- (3) the executive commissioner of the Health and Human Services Commission or the executive commissioner's designee;
- (4) the commissioner of the Department of Family and Protective Services or the commissioner's designee;
- (5) the commissioner of the Department of State Health Services or the commissioner's designee;
- (6) the public safety director of the Department of Public Safety or the director's designee;
- (7) one representative from each of the following state agencies, appointed by the chief administrative officer of the respective agency:
 - (A) the Texas Workforce Commission;
 - (B) the Texas Department of Criminal Justice;
 - (C) the Texas Juvenile Justice Department;
 - (D) the Texas Education Agency;
 - (E) the Texas Alcoholic Beverage Commission;
 - (F) the Parks and Wildlife Department;
 - (G) the Supreme Court of Texas Permanent Judicial Commission for Children, Youth and Families;
 - (H) the Texas Department of Licensing and Regulation;
 - (I) the Office of Court Administration of the Texas Judicial System;
 - (J) the office of the secretary of state; and
 - (K) the Texas Commission on Law Enforcement; and
- (8) as appointed by the attorney general:
 - (A) a chief public defender employed by a public defender's office, as defined by Article [26.044\(a\)](#), Code of Criminal Procedure, or an attorney designated by the chief public defender;

- (B) an attorney representing the state;
- (C) a representative of:
 - (i) a hotel and motel association;
 - (ii) a district and county attorneys association;
 - (iii) a state police association; and
 - (iv) a statewide medical association;
- (D) representatives of sheriff's departments;
- (E) representatives of local law enforcement agencies affected by human trafficking; and
- (F) representatives of nongovernmental entities making comprehensive efforts to combat human trafficking by:
 - (i) identifying human trafficking victims;
 - (ii) providing legal or other services to human trafficking victims;
 - (iii) participating in community outreach or public awareness efforts regarding human trafficking;
 - (iv) providing or developing training regarding the prevention of human trafficking; or
 - (v) engaging in other activities designed to prevent human trafficking.

(d) The task force shall:

(1) collaborate, as needed to fulfill the duties of the task force, with:

(A) United States attorneys' offices for all of the federal districts of Texas; and

(B) special agents or customs and border protection officers and border patrol agents of:

- (i) the Federal Bureau of Investigation;
- (ii) the United States Drug Enforcement Administration;

- (iii) the Bureau of Alcohol, Tobacco, Firearms and Explosives;

- (iv) United States Immigration and Customs Enforcement; or

- (v) the United States Department of Homeland Security;

(2) collect, organize, and periodically publish statistical data on the nature and extent of human trafficking in this state, including data described by Subdivisions (4)(A), (B), (C), (D), and (E);

(3) solicit cooperation and assistance from state and local governmental agencies, political subdivisions of the state, nongovernmental organizations, and other persons, as appropriate, for the purpose of collecting and organizing statistical data under Subdivision (2);

(4) ensure that each state or local governmental agency and political subdivision of the state and each state or local law enforcement agency, district attorney, or county attorney that assists in the prevention of human trafficking collects statistical data related to human trafficking, including, as appropriate:

(A) the number of investigations concerning, arrests and prosecutions for, and convictions of:

(i) the offense of trafficking of persons;

(ii) the offense of forgery or an offense under Chapter 43, Penal Code, if the offense was committed as part of a criminal episode involving the trafficking of persons; and

(iii) an offense punishable as a felony of the second degree under Section 43.021, Penal Code, regardless of whether the offense was committed as part of a criminal episode involving the trafficking of persons;

(B) demographic information on persons who are convicted of offenses described by Paragraph (A) and persons who are the victims of those offenses;

(C) geographic routes by which human trafficking victims are trafficked, including routes by which victims are trafficked across this state's international border, and geographic patterns in human trafficking, including the country or state of origin and the country or state of destination;

(D) means of transportation and methods used by persons who engage in trafficking to transport their victims; and

(E) social and economic factors that create a demand for the labor or services that victims of human trafficking

are forced to provide;

(5) work with the Texas Commission on Law Enforcement to develop and conduct training for law enforcement personnel, victim service providers, and medical service providers to identify victims of human trafficking;

(6) work with the Texas Education Agency, the Department of Family and Protective Services, and the Health and Human Services Commission to:

(A) develop a list of key indicators that a person is a victim of human trafficking;

(B) develop a standardized curriculum for training doctors, nurses, emergency medical services personnel, teachers, school counselors, school administrators, and personnel from the Department of Family and Protective Services and the Health and Human Services Commission to identify and assist victims of human trafficking;

(C) train doctors, nurses, emergency medical services personnel, teachers, school counselors, school administrators, and personnel from the Department of Family and Protective Services and the Health and Human Services Commission to identify and assist victims of human trafficking;

(D) develop and conduct training for personnel from the Department of Family and Protective Services and the Health and Human Services Commission on methods for identifying children in foster care who may be at risk of becoming victims of human trafficking; and

(E) develop a process for referring identified human trafficking victims and individuals at risk of becoming victims to appropriate entities for services;

(7) on the request of a judge of a county court, county court at law, or district court or a county attorney, district attorney, or criminal district attorney, assist and train the judge or the judge's staff or the attorney or the attorney's staff in the recognition and prevention of human trafficking;

(8) examine training protocols related to human trafficking issues, as developed and implemented by federal, state, and local law enforcement agencies;

(9) collaborate with state and local governmental agencies, political subdivisions of the state, and nongovernmental organizations to implement a media awareness campaign in communities affected by human trafficking;

(10) develop recommendations on how to strengthen state and local efforts to prevent human trafficking, protect and assist human trafficking victims, curb markets and other economic avenues that facilitate human trafficking and investigate and prosecute human trafficking offenders;

(11) examine the extent to which human trafficking is associated with the operation of sexually oriented businesses, as defined by Section 243.002, Local Government Code, and the workplace or public health concerns that are created by the association of human trafficking and the operation of sexually oriented businesses;

(12) develop recommendations for addressing the demand for forced labor or services or sexual conduct involving victims of human trafficking, including recommendations for increased penalties for individuals who engage or attempt to engage in solicitation of prostitution with victims younger than 18 years of age; and

(13) identify and report to the governor and legislature on laws, licensure requirements, or other regulations that can be passed at the state and local level to curb trafficking using the Internet and in sexually oriented businesses.

(e) The presiding officer of the task force is the attorney general or the attorney general's designee.

(f) The office of the attorney general shall supervise the administration of the task force. The attorney general shall provide the necessary staff and facilities to assist the task force in performing its duties.

(f-1) The following state agencies shall designate an individual who is authorized to coordinate the agency's resources to strengthen state and local efforts to prevent human trafficking, protect and assist human trafficking victims, and investigate and prosecute human trafficking offenders:

(1) the Texas Alcoholic Beverage Commission;

- (2) the Department of Family and Protective Services;
- (3) the Department of Public Safety;
- (4) the Department of State Health Services;
- (5) the Health and Human Services Commission;
- (6) the Texas Juvenile Justice Department;
- (7) the office of the attorney general; and
- (8) the office of the governor.

(f-2) Each state agency shall provide to the task force the name of the individual designated under Subsection (f-1).

(f-3) The attorney general may enter into a contract with an institution of higher education or private or independent institution of higher education, as those terms are defined by Section [61.003](#), Education Code, for the institution's assistance in the collection and analysis of information received under this section. The attorney general may adopt rules to administer the submission and collection of information under this section.

(g) Not later than December 1 of each even-numbered year, the task force shall submit a report regarding the task force's activities, findings, and recommendations, including any proposed legislation, to the governor, the lieutenant governor, and the legislature.

(g-1) In this section, "emergency medical services personnel" has the meaning assigned by Section [773.003](#), Health and Safety Code.

(h) Repealed by Acts 2019, 86th Leg., R.S., Ch. 413 (S.B. [20](#)), Sec. 1.02, eff. September 1, 2019.

Added by Acts 2009, 81st Leg., R.S., Ch. 1002 (H.B. [4009](#)), Sec. 1, eff. September 1, 2009.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 775 (H.B. [1930](#)), Sec. 1, eff. June 17, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 984 (H.B. [1754](#)), Sec. 6, eff. September 1, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 297 (H.B. [1272](#)), Sec. 1, eff. June 14, 2013.

Acts 2015, 84th Leg., R.S., Ch. 146 (H.B. [188](#)), Sec. 1, eff. May 28, 2015.

Acts 2015, 84th Leg., R.S., Ch. 332 (H.B. 10), Sec. 10, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 734 (H.B. 1549), Sec. 92, eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 8.003, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 8.004, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 685 (H.B. 29), Sec. 27, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 685 (H.B. 29), Sec. 28, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 685 (H.B. 29), Sec. 44(1), eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 762 (S.B. 2039), Sec. 3, eff. June 12, 2017.

Acts 2019, 86th Leg., R.S., Ch. 413 (S.B. 20), Sec. 1.02, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 413 (S.B. 20), Sec. 2.04, eff. September 1, 2019.

Acts 2021, 87th Leg., R.S., Ch. 807 (H.B. 1540), Sec. 41, eff. September 1, 2021.

Sec. 402.0351. REQUIRED POSTING OF HUMAN TRAFFICKING SIGNS AT CERTAIN TRANSPORTATION HUBS. (a) In this section, "transportation hub" means a bus, bus stop, train, train station, rest area, or airport.

Text of subsection as amended by Acts 2021, 87th Leg., R.S., Ch. 280 (H.B. 3721), Sec. 4

(b) The attorney general by rule shall prescribe the design and content of a sign regarding services and assistance available to victims of human trafficking to be displayed at transportation hubs. The sign must be in both English and Spanish and include:

(1) the telephone number and Internet website of the National Human Trafficking Resource Center;

(2) the contact information for reporting suspicious activity to the Department of Public Safety; and

(3) the key indicators that a person is a victim of human trafficking.

(c) The attorney general by rule shall prescribe the transportation hubs that are required to post a sign described by Subsection (b).

(d) A person who operates a transportation hub that is required to post a sign under Subsection (c) shall post a sign described by Subsection (b) at the transportation hub. The attorney general:

(1) by rule shall prescribe the manner the sign must be displayed at the transportation hub and any exceptions to the sign posting requirement under this section; and

(2) shall enforce this section.

(e) In adopting the rules under Subsection (b), the attorney general shall consult with the Texas Department of Transportation. Added by Acts 2019, 86th Leg., R.S., Ch. 985 (S.B. [1219](#)), Sec. 1, eff. September 1, 2019.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 280 (H.B. [3721](#)), Sec. 4, eff. September 1, 2021.

Text of section as amended by Acts 2021, 87th Leg., R.S., Ch. 1049
(S.B. [1831](#)), Sec. 4

Sec. 402.0351. REQUIRED POSTING OF HUMAN TRAFFICKING SIGNS BY CERTAIN ENTITIES; CIVIL PENALTY. (a) In this section:

(1) "Cosmetology facility" means a person who holds a license to operate a facility or school under Chapter 1602, Occupations Code.

(2) "Council" means the human trafficking prevention coordinating council established under Section [402.034](#).

(3) "Hospital" has the meaning assigned by Section [241.003](#), Health and Safety Code.

(4) "Massage establishment" and "massage school" have the meanings assigned by Section [455.001](#), Occupations Code.

(5) "Sexually oriented business" has the meaning

assigned by Section 243.002, Local Government Code.

(6) "Tattoo studio" has the meaning assigned by Section 146.001, Health and Safety Code.

(7) "Transportation hub" means a bus, bus stop, train, train station, rest area, gas station with adjacent convenience store, or airport.

(a-1) Except as provided by Subsection (a-3), a person who operates any of the following entities shall post at the entity the sign prescribed under Subsection (b), or, if applicable, a similar sign or notice as prescribed by other state law:

(1) an entity permitted or licensed under Chapter 25, 26, 28, 32, 69, or 71, Alcoholic Beverage Code, other than an entity holding a food and beverage certificate;

(2) a cosmetology facility;

(3) a hospital;

(4) a massage establishment;

(5) a massage school;

(6) a sexually oriented business;

(7) a tattoo studio; or

(8) a transportation hub.

(a-2) The Parks and Wildlife Department shall post the sign prescribed under Subsection (b), or a substantially similar sign, in the manner prescribed by Subsection (d) at each state park and other recreational site under the department's jurisdiction.

(a-3) Notwithstanding any other law, a state agency that enforces another state law that requires a person described by Subsection (a-1) to post a sign or notice relating to human trafficking may by rule authorize the person to use the sign prescribed by the attorney general under Subsection (b) in lieu of the sign or notice required by the other law.

(b) The attorney general by rule shall prescribe the design and content of a sign required to be posted under this section. The sign must:

(1) contain information regarding services and assistance available to victims of human trafficking;

(2) be in English, Spanish, and any other language determined appropriate by the attorney general in consultation with

the council; and

(3) include:

(A) a toll-free telephone number and Internet website for accessing human trafficking resources;

(B) the contact information for reporting suspicious activity to the Department of Public Safety; and

(C) the key indicators that a person is a victim of human trafficking.

(c) The attorney general shall develop the sign that complies with the requirements of Subsection (b) and make the sign available on the attorney general's Internet website to persons required to post a sign under this section and to the public.

(d) The attorney general by rule shall prescribe the best practices for the manner in which the sign must be displayed and any exceptions to the sign posting requirement. The rules:

(1) must require that at a minimum the sign be posted in a conspicuous place that is either:

(A) near the public entrance of the entity; or

(B) in clear view of the public and employees and near the location similar notices are customarily posted; and

(2) may require that the sign be a certain size and that the notice be displayed in a certain font and type size.

(e) In adopting the rules under this section, the attorney general shall consult with the council.

(f) If the attorney general becomes aware that a person is in violation or may be in violation of a law enforced by another state agency that requires the posting of a sign or notice relating to human trafficking, the attorney general may notify the appropriate state agency of the violation or potential violation.

(g) The attorney general shall issue a warning to a person described by Subsection (a-1) for a first violation of a rule adopted under this section. After receiving a warning for the first violation, a person who violates a rule adopted under this section is subject to a civil penalty in the amount of \$200 for each subsequent violation. Each day a violation continues is a separate violation.

Added by Acts 2019, 86th Leg., R.S., Ch. 985 (S.B. [1219](#)), Sec. 1,

eff. September 1, 2019.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 1049 (S.B. [1831](#)), Sec. 4, eff. September 1, 2021.

Sec. 402.036. CHOOSE LIFE ACCOUNT. (a) The Choose Life account is a separate account in the general revenue fund. The account is composed of:

(1) money deposited to the credit of the account under Section [504.662](#), Transportation Code; and

(2) gifts, grants, donations, and legislative appropriations.

(b) The attorney general administers the Choose Life account. The attorney general may spend money credited to the account only to:

(1) make grants to an eligible organization; and

(2) defray the cost of administering the account, including the cost of advertising authorized by Subsection (b-1).

(b-1) The attorney general may advertise that fees paid for the issuance of a license plate in accordance with Section [504.662](#), Transportation Code, may be used to fund the grants described by Subsection (b)(1), provided that the money spent under this subsection does not exceed two percent of the amount of gross receipts deposited to the Choose Life account during the preceding state fiscal year.

(c) The attorney general may not discriminate against an eligible organization because it is a religious or nonreligious organization.

(d) The attorney general may accept gifts, donations, and grants from any source for the benefit of the account.

(e) The attorney general by rule shall establish:

(1) guidelines for the expenditure of money credited to the Choose Life account; and

(2) reporting and other mechanisms necessary to ensure that the money is spent in accordance with this section.

(f) Money received by an eligible organization under this section may be spent only to provide for the material needs of

pregnant women who are considering placing their children for adoption, including the provision of clothing, housing, prenatal care, food, utilities, and transportation, to provide for the needs of infants who are awaiting placement with adoptive parents, to provide training and advertising relating to adoption, and to provide pregnancy testing or pre-adoption or postadoption counseling, but may not be used to pay an administrative, legal, or capital expense.

(g) In this section, "eligible organization" means an organization in this state that:

(1) is exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, by being listed as an exempt charitable organization under Section 501(c)(3) of that code;

(2) provides counseling and material assistance to pregnant women who are considering placing their children for adoption;

(3) does not charge for services provided;

(4) does not provide abortions or abortion-related services or make referrals to abortion providers;

(5) is not affiliated with an organization that provides abortions or abortion-related services or makes referrals to abortion providers; and

(6) does not contract with an organization that provides abortions or abortion-related services or makes referrals to abortion providers.

Added by Acts 2011, 82nd Leg., R.S., Ch. 63 (S.B. [257](#)), Sec. 2, eff. September 1, 2011.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 808 (H.B. [2271](#)), Sec. 1, eff. September 1, 2019.

Sec. 402.037. CHOOSE LIFE ADVISORY COMMITTEE. (a) The attorney general shall appoint a seven-member Choose Life advisory committee.

(b) The committee shall:

(1) meet at least twice a year or as called by the

attorney general;

(2) assist the attorney general in developing rules under Section 402.036(e); and

(3) review and make recommendations to the attorney general on applications submitted to the attorney general for grants funded with money credited to the Choose Life account.

(c) Members of the committee serve without compensation and are not entitled to reimbursement for expenses. Each member serves a term of four years, with the terms of three or four members expiring on January 31 of each odd-numbered year.

(d) Chapter 2110, Government Code, does not apply to the committee.

Added by Acts 2011, 82nd Leg., R.S., Ch. 63 (S.B. 257), Sec. 2, eff. September 1, 2011.

Sec. 402.038. TRANSNATIONAL AND ORGANIZED CRIME DIVISION.

(a) The office of the attorney general shall establish a transnational and organized crime division.

(b) To address matters related to border security and organized crime, the transnational and organized crime division shall:

(1) establish within the division a prosecution unit to provide critical assistance to local prosecutors;

(2) using existing funds, establish within the division a trafficking of persons unit to:

(A) assist local law enforcement agencies and local prosecutors in investigating and prosecuting trafficking of persons and related crimes; and

(B) work with the appropriate local and state agencies to identify victims of trafficking of persons and to provide the types of assistance available for those victims under Chapters 56A and 56B and Subchapter B, Chapter 58, Code of Criminal Procedure; and

(3) develop initiatives to provide greater state assistance, support, and coordination among state law enforcement agencies, local law enforcement agencies, and local prosecutors.

(c) Prosecution assistance provided by the division under

this section shall be in accordance with the assistance authorized under Section 402.028.

Added by Acts 2015, 84th Leg., R.S., Ch. 333 (H.B. 11), Sec. 4, eff. September 1, 2015.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 2.43, eff. January 1, 2021.

Sec. 402.039. DOMESTIC VIOLENCE HIGH RISK TEAMS GRANT PROGRAM. (a) A domestic violence high risk team is a multidisciplinary team that coordinates efforts to increase the safety of victims of family violence, as that term is defined by Section 71.004, Family Code, by monitoring and containing perpetrators while providing victim services. The team may be composed of law enforcement officers, prosecutors, community supervision and corrections departments, victim advocates, nonprofit organizations that provide services or shelter to victims of family violence, and medical personnel. The team members work together to share information and communicate to provide the best possible responses to victims at high risk.

(b) Using money appropriated for the purpose, the attorney general may award grants to domestic violence high risk teams in communities in this state.

(c) The attorney general shall request proposals for the award of grants under this section. The attorney general shall evaluate the proposals and award grants based on the need for domestic violence services in the community in which the team is located and the effectiveness or potential effectiveness of the team.

(d) A grant recipient may use grant money received under this section only to fund the activities of a domestic violence high risk team in reducing or preventing incidents of domestic violence and providing domestic violence services to victims.

(e) The attorney general shall establish procedures to administer the grant program, including a procedure for the submission of a proposal and a procedure to be used by the attorney general in evaluating a proposal.

(f) To supplement any appropriations for the grant program, the attorney general shall apply for any available federal grant funds for the prevention of domestic violence.

Added by Acts 2015, 84th Leg., R.S., Ch. 105 (H.B. 3327), Sec. 1, eff. September 1, 2015.

Redesignated from Government Code, Section 402.038 by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 24.001(11), eff. September 1, 2017.

SUBCHAPTER C. OPINIONS

Sec. 402.041. DEFINITION. In this subchapter "opinion" means advice or a judgment or decision and the legal reasons and principles on which it is based.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Sec. 402.042. QUESTIONS OF PUBLIC INTEREST AND OFFICIAL DUTIES. (a) On request of a person listed in Subsection (b), the attorney general shall issue a written opinion on a question affecting the public interest or concerning the official duties of the requesting person.

(b) An opinion may be requested by:

- (1) the governor;
- (2) the head of a department of state government;
- (3) a head or board of a penal institution;
- (4) a head or board of an eleemosynary institution;
- (5) the head of a state board;
- (6) a regent or trustee of a state educational institution;
- (7) a committee of a house of the legislature;
- (8) a county auditor authorized by law; or
- (9) the chairman of the governing board of a river authority.

(c) A request for an opinion must be in writing and sent by certified or registered mail, with return receipt requested, addressed to the office of the attorney general in Austin, or electronically to an electronic mail address designated by the

attorney general for the purpose of receiving requests for opinions under this section. The attorney general shall:

(1) acknowledge receipt of the request not later than the 15th day after the date that it is received; and

(2) issue the opinion not later than the 180th day after the date that it is received, unless before that deadline the attorney general notifies the requesting person in writing that the opinion will be delayed or not rendered and states the reasons for the delay or refusal.

(d) The attorney general and the requesting person by written agreement may waive the provisions of Subsections (a) and (c) if the waiver does not substantially prejudice any person's legal rights.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 403 (S.B. 246), Sec. 1, eff. September 1, 2013.

Sec. 402.043. QUESTIONS RELATING TO ACTIONS IN WHICH THE STATE IS INTERESTED. The attorney general shall advise an attorney, on the attorney's request, in the prosecution or defense of an action in which the state is interested before a district or inferior court if:

(1) the requesting attorney has investigated the question involved and submitted a brief to the attorney general; and

(2) the requesting attorney is:

(A) a district or county attorney; or

(B) a county employee who:

(i) serves as the head of the civil legal department of a county located on the international border that has a population of less than 400,000 and contains one or more municipalities with a population of 200,000 or more; and

(ii) has received approval for the submission of the request from the commissioners court of the county.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 69 (S.B. 1339), Sec. 1, eff.
May 24, 2021.

Sec. 402.044. QUESTIONS RELATING TO BONDS. The attorney general shall advise the proper legal authorities in regard to the issuance of bonds that by law require the attorney general's approval.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Sec. 402.045. LIMITATION. The attorney general may not give legal advice or a written opinion to a person other than a person named in this subchapter.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.