

GOVERNMENT CODE

TITLE 7. INTERGOVERNMENTAL RELATIONS

CHAPTER 772. GOVERNMENTAL PLANNING

SUBCHAPTER A. PLANNING ENTITIES

Sec. 772.001. PLANNING AS GOVERNMENTAL PURPOSE AND FUNCTION. Planning is a governmental purpose and function of the state and agencies and political subdivisions of the state.

Added by Acts 1991, 72nd Leg., ch. 38, Sec. 1, eff. Sept. 1, 1991.

Sec. 772.002. CHIEF PLANNING OFFICER. The governor is the chief planning officer of the state.

Added by Acts 1991, 72nd Leg., ch. 38, Sec. 1, eff. Sept. 1, 1991.

Sec. 772.003. INTERAGENCY PLANNING COUNCILS. (a) The governor shall appoint interagency planning councils in functional areas of government, including natural resources, health, education, and other areas that may require coordinated planning efforts.

(b) Each council shall coordinate joint planning efforts in its functional area.

(c) Each council is composed of:

(1) a member of the governor's office; and

(2) the administrative head of each state agency, department, or institution of higher education that is represented on that council.

(d) Two or more councils may participate jointly in studies that provide information common to their planning efforts.

Added by Acts 1991, 72nd Leg., ch. 38, Sec. 1, eff. Sept. 1, 1991.

Sec. 772.004. GOVERNOR'S DIVISION OF PLANNING COORDINATION. (a) The governor shall establish a division of planning coordination within the governor's office.

(b) The division shall coordinate the activities of the interagency planning councils.

(c) The division is the state clearinghouse for all state

agency applications for federal grant or loan assistance.

(d) The division may provide for the review of and comment on:

(1) any state plan of a state agency that is required as a condition of federal assistance; and

(2) any application by a state agency for federal grant or loan assistance.

(e) The division shall establish policies and guidelines for an effective review and comment process under this section and cooperate with the Legislative Budget Board in developing the information requirements relating to the review and comment process.

Added by Acts 1991, 72nd Leg., ch. 38, Sec. 1, eff. Sept. 1, 1991.

Sec. 772.005. NOTIFICATION OF PLANNING COORDINATION DIVISION BY STATE AGENCY. A state agency shall notify the division of planning coordination of each application for federal grant or loan assistance before the agency submits the application.

Added by Acts 1991, 72nd Leg., ch. 38, Sec. 1, eff. Sept. 1, 1991.

Sec. 772.006. GOVERNOR'S CRIMINAL JUSTICE DIVISION. (a) The governor shall establish a criminal justice division in the governor's office to:

(1) advise and assist the governor in developing policies, plans, programs, and proposed legislation for improving the coordination, administration, and effectiveness of the criminal justice system;

(2) administer the criminal justice planning fund;

(3) prepare a state comprehensive criminal justice plan, to update the plan annually based on an analysis of the state's criminal justice problems and needs, and to encourage identical or substantially similar local and regional comprehensive criminal justice planning efforts;

(4) establish goals, priorities, and standards for programs and projects to improve the administration of justice and the efficiency of law enforcement, the judicial system, prosecution, criminal defense, and adult and juvenile corrections

and rehabilitation;

(5) award grants to state agencies, units of local government, school districts, and private, nonprofit corporations from the criminal justice planning fund for programs and projects on consideration of the goals, priorities, and standards recommended by the Criminal Justice Policy Council;

(6) apply for, obtain, and allocate for the purposes of this section any federal or other funds which may be made available for programs and projects that address the goals, priorities, and standards established in local and regional comprehensive criminal justice planning efforts or assist those efforts;

(7) administer the funds provided by this section in such a manner as to ensure that grants received under this section do not supplant state or local funds;

(8) monitor and evaluate programs and projects funded under this section, cooperate with and render technical assistance to state agencies and local governments seeking to reduce crime or enhance the performance and operation of the criminal justice system, and collect from any state or local government entity information, data, statistics, or other material necessary to carry out the purposes of this section;

(9) submit a biennial report to the legislature reporting the division's activities during the preceding biennium including the comprehensive state criminal justice plans and other studies, evaluations, crime data analyses, reports, or proposed legislation that the governor determines appropriate or the legislature requests; and

(10) perform other duties as necessary to carry out the duties listed in this subsection and adopt rules and procedures as necessary.

(b) The governor shall appoint a director for the division to serve at the pleasure of the governor.

(c) The criminal justice division and any project funded by the division is subject to examination, inspection, and audit by the State Auditor's Office, the Legislative Budget Board, and the division of planning coordination to determine compliance with this

section and the approved annual comprehensive criminal justice plans.

(d) The trafficking of persons investigation and prosecution account is created in the general revenue fund. The account is composed of legislative appropriations and other money required by law to be deposited in the account. Income from money in the account shall be credited to the account. Sections 403.095 and 404.071 do not apply to the account.

(e) The legislature may appropriate money from the trafficking of persons investigation and prosecution account created under Subsection (d) only to the criminal justice division for the purposes of this subsection. The division may use the appropriated money solely to distribute grants to qualified applicants, as determined by the division, that:

(1) have dedicated full-time or part-time personnel to identify, prevent, investigate, or prosecute offenses under Chapter 20A, Penal Code; or

(2) provide comprehensive services in this state to prevent the commission of offenses under Chapter 20A, Penal Code, or to address the needs of victims of those offenses, including public awareness activities, community outreach and training, victim identification services, legal services, and other services designed to assist victims.

(f) The total amount of grants that may be distributed under this section from the trafficking of persons investigation and prosecution account during each state fiscal year may not exceed \$10 million.

Added by Acts 1991, 72nd Leg., ch. 38, Sec. 1, eff. Sept. 1, 1991.
Amended by Acts 2001, 77th Leg., ch. 998, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1002 (H.B. 4009), Sec. 3, eff. September 1, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 515 (H.B. 2014), Sec. 3.04, eff. September 1, 2011.

Sec. 772.0061. SPECIALTY COURTS ADVISORY COUNCIL. (a) In

this section:

(1) "Council" means the Specialty Courts Advisory Council.

(2) "Specialty court" means:

(A) a commercially sexually exploited persons court program established under Chapter 126 or former law;

(B) a family drug court program established under Chapter 122 or former law;

(C) a drug court program established under Chapter 123 or former law;

(D) a veterans treatment court program established under Chapter 124 or former law;

(E) a mental health court program established under Chapter 125 or former law; and

(F) a public safety employees treatment court program established under Chapter 129.

(b) The governor shall establish the Specialty Courts Advisory Council within the criminal justice division established under Section 772.006 to:

(1) evaluate applications for grant funding for specialty courts in this state and to make funding recommendations to the criminal justice division; and

(2) make recommendations to the criminal justice division regarding best practices for specialty courts established under Chapter 122, 123, 124, 125, or 129 or former law.

(c) The council is composed of nine members appointed by the governor as follows:

(1) one member with experience as the judge of a specialty court described by Subsection (a)(2)(A);

(2) one member with experience as the judge of a specialty court described by Subsection (a)(2)(B);

(3) one member with experience as the judge of a specialty court described by Subsection (a)(2)(C);

(4) one member with experience as the judge of a specialty court described by Subsection (a)(2)(D); and

(5) five members who represent the public.

(d) The members appointed under Subsection (c)(5) must:

(1) reside in various geographic regions of the state;
and

(2) have experience practicing law in a specialty court or possess knowledge and expertise in a field relating to behavioral or mental health issues or to substance abuse treatment.

(e) Members are appointed for staggered six-year terms, with the terms of three members expiring February 1 of each odd-numbered year.

(f) A person may not be a member of the council if the person is required to register as a lobbyist under Chapter 305 because of the person's activities for compensation on behalf of a profession related to the operation of the council.

(g) If a vacancy occurs on the council, the governor shall appoint a person to serve for the remainder of the unexpired term.

(h) The council shall select a presiding officer.

(i) The council shall meet at the call of its presiding officer or at the request of the governor.

(j) A member of the council may not receive compensation for service on the council. The member may receive reimbursement from the criminal justice division for actual and necessary expenses incurred in performing council functions as provided by Section 2110.004.

Added by Acts 2011, 82nd Leg., R.S., Ch. 287 (H.B. 1771), Sec. 1, eff. June 17, 2011.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 747 (S.B. 462), Sec. 1.08, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 747 (S.B. 462), Sec. 1.09, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1167 (S.B. 484), Sec. 3, eff. September 1, 2013.

Acts 2015, 84th Leg., R.S., Ch. 604 (S.B. 536), Sec. 3, eff. June 16, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1205 (S.B. 1474), Sec. 11, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 9.009, eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 369 (H.B. 3391), Sec. 5, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 369 (H.B. 3391), Sec. 6, eff. September 1, 2017.

Sec. 772.0062. CHILD SEX TRAFFICKING PREVENTION UNIT.

(a) In this section:

(1) "Child sex trafficking" means conduct prohibited under Section 20A.02(a)(7) or (8), Penal Code.

(2) "Unit" means the Child Sex Trafficking Prevention Unit.

(b) The governor shall establish the Child Sex Trafficking Prevention Unit within the criminal justice division established under Section 772.006.

(c) The governor shall appoint a director for the unit to serve at the pleasure of the governor.

(d) The unit shall:

(1) assist the following agencies in leveraging and coordinating state resources directed toward child sex trafficking prevention:

- (A) the office of the attorney general;
- (B) the Health and Human Services Commission;
- (C) the Department of Family and Protective Services;
- (D) the Texas Juvenile Justice Department;
- (E) the Department of State Health Services;
- (F) the Texas Alcoholic Beverage Commission; and
- (G) the Department of Public Safety;

(2) facilitate collaborative efforts among the agencies under Subdivision (1) to:

- (A) prevent child sex trafficking;
- (B) recover victims of child sex trafficking; and
- (C) place victims of child sex trafficking in suitable short-term and long-term housing;

(3) collect and analyze research and information in all areas related to child sex trafficking, and distribute the research, information, and analyses to the agencies and to relevant

nonprofit organizations;

(4) refer victims of child sex trafficking to available rehabilitation programs and other resources;

(5) provide support for child sex trafficking prosecutions; and

(6) develop recommendations for improving state efforts to prevent child sex trafficking, to be submitted to the legislature as part of the criminal justice division's biennial report required under Section 772.006(a)(9).

Added by Acts 2015, 84th Leg., R.S., Ch. 332 (H.B. 10), Sec. 11, eff. September 1, 2015.

Sec. 772.0063. GOVERNOR'S PROGRAM FOR VICTIMS OF CHILD SEX TRAFFICKING. (a) The governor shall establish and implement a program to provide comprehensive, individualized services to address the rehabilitation and treatment needs of child victims of an offense under Section 20A.02(a)(7) or (8), Penal Code.

(b) The governor shall appoint a director of the program to serve at the pleasure of the governor.

(c) The director of the program shall coordinate with state and local law enforcement agencies, state agencies, and service providers to identify victims of child sex trafficking who are eligible to receive services under the program.

(d) For each victim of child sex trafficking identified by the director, the program shall immediately facilitate the assignment of a caseworker to the victim to coordinate with local service providers to create a customized package of services to fit the victim's immediate and long-term rehabilitation and treatment needs. Services provided under the program must address all aspects of the medical, psychiatric, psychological, safety, and housing needs of victims.

Added by Acts 2015, 84th Leg., R.S., Ch. 924 (H.B. 1446), Sec. 7, eff. September 1, 2015.

For expiration of this section, see Subsection (m).

Sec. 772.0064. SEXUAL ASSAULT SURVIVORS' TASK FORCE.

(a) In this section:

(1) "Sexual assault," "sexual assault nurse examiner," and "survivor" have the meanings assigned by Section [420.003](#).

(2) "Task force" means the Sexual Assault Survivors' Task Force.

(b) The governor shall establish the Sexual Assault Survivors' Task Force within the criminal justice division established under Section [772.006](#).

(c) The task force shall include a steering committee composed of the following members:

(1) the governor or the governor's designee;

(2) the president of the state sexual assault coalition, as defined by Section [420.003](#), or the president's designee; and

(3) the president of the statewide organization described by Section [264.409](#), Family Code, or the president's designee.

(d) The task force is composed of the following members:

(1) the governor or the governor's designee;

(2) a representative of each state agency that has duties relating to the prevention, investigation, or prosecution of sexual assault or other sex offenses or provides services to survivors, including:

(A) the office of the attorney general; and

(B) the Health and Human Services Commission;

(3) the executive director of the Texas Commission on Law Enforcement or the executive director's designee;

(4) the presiding officer of the Texas Forensic Science Commission or the presiding officer's designee;

(5) the division director of the law enforcement support division of the Texas Department of Public Safety with authority over the Crime Laboratory Service or the division director's designee;

(6) the president of the Texas Association of Crime Laboratory Directors or the president's designee;

(7) the president of the Texas District and County Attorney's Association or the president's designee;

(8) the president of the Texas Society of Pathologists or the president's designee;

(9) the president of the International Association of Forensic Nurses Texas Chapter or the president's designee;

(10) the president of the statewide organization described by Section 264.409, Family Code, or the president's designee;

(11) the president of the state sexual assault coalition, as defined by Section 420.003, or the president's designee;

(12) a representative from a law enforcement agency appointed by the steering committee described by Subsection (c);

(13) a sexual assault nurse examiner appointed by the steering committee described by Subsection (c) to represent the interests of health care facilities that perform sexual assault forensic exams; and

(14) other members considered appropriate by the steering committee described by Subsection (c).

(e) An appointed member serves at the pleasure of the appointing official.

(f) The governor is the presiding officer of the task force.

(g) The task force shall meet at the call of the governor.

(h) The steering committee shall:

(1) create within the task force:

(A) a working group focusing on survivors who are children; and

(B) a working group focusing on survivors who are adults;

(2) ensure that the task force identifies systemic issues and solutions pertaining to survivors of all ages;

(3) ensure that the task force does not unnecessarily duplicate existing standards, information, and protocol in preventing, investigating, prosecuting, and responding to sexual assault and other sex offenses; and

(4) review and approve all task force reports, recommendations, resources, protocols, advice, and other information before release.

(i) The task force shall:

(1) develop policy recommendations to allow the state to:

(A) effectively coordinate funding for services to child and adult survivors; and

(B) better prevent, investigate, and prosecute incidents of sexual assault and other sex offenses;

(2) facilitate communication and cooperation between state agencies that have duties relating to the prevention, investigation, or prosecution of sexual assault or other sex offenses or services provided to survivors in order to identify and coordinate state resources available for assisting survivors;

(3) collect, analyze, and make publicly available information, organized by region, regarding the prevention, investigation, and prosecution of sexual assault and other sex offenses and services provided to survivors, including a list of SAFE-ready facilities designated under Section [323.0015](#), Health and Safety Code;

(4) make and periodically update recommendations regarding the collection, preservation, tracking, analysis, and destruction of evidence in cases of sexual assault or other sex offenses, including recommendations:

(A) to the attorney general regarding:

(i) evidence collection kits for use in the collection and preservation of evidence of sexual assault or other sex offenses;

(ii) protocols for the collection and preservation of evidence of sexual assault or other sex offenses;

(iii) the curriculum for training programs on collecting and preserving evidence of sexual assault and other sex offenses; and

(iv) the requirements for certification of sexual assault nurse examiners; and

(B) to other appropriate individuals or organizations, regarding:

(i) the procedures for obtaining patient authorization for forensic medical examinations of child and adult

survivors under Subchapters F and G, Chapter 56A, Code of Criminal Procedure;

(ii) the requirements for maintaining an appropriate evidentiary chain of custody;

(iii) the identification and reporting of untested evidence throughout the state; and

(iv) standards for the submission of evidence to forensic laboratories for analysis, including procedures for submitting evidence in cases for which no evidence has been previously submitted or tested;

(5) advise and provide resources to the Texas Commission on Law Enforcement and other law enforcement organizations to improve law enforcement officer training related to the investigation and documentation of cases involving sexual assault and other sex offenses, with a focus on the interactions between law enforcement officers and survivors;

(6) provide to law enforcement agencies, prosecutors, and judges with jurisdiction over sexual assault or other sex offense cases information and resources to maximize effective and empathetic investigation, prosecution, and hearings, including information and resources:

(A) regarding trauma-informed practices and the dynamics and effects of sexual assault and other sex offenses on child and adult survivors;

(B) intended to improve the understanding of and the response to sexual assault or other sex offenses;

(C) regarding best practices in the investigation and prosecution of sexual assault or other sex offenses; and

(D) for judges regarding common issues in the criminal trials of sexual assault and other sex offenses;

(7) biennially contract for a survey of the resources provided to survivors by nonprofit organizations, health care facilities, institutions of higher education, sexual assault response teams, and other governmental entities in each region of the state;

(8) make recommendations as necessary to improve the

collecting and reporting of data on the investigation and prosecution of sexual assault and other sex offenses; and

(9) develop a statewide standard for best practices in the funding and provision of services to survivors by nonprofit organizations, health care facilities, institutions of higher education, sexual assault response teams, and other governmental entities.

(j) Not later than November 1 of each even-numbered year, the task force shall analyze the data from the survey performed under Subsection (i), prepare a report, or contract with a private entity for the preparation of a report, and submit to the legislature the report, which must include:

(1) a description of the resources provided to child and adult survivors by nonprofit organizations, health care facilities, institutions of higher education, sexual assault response teams, and governmental entities in each region of the state;

(2) a description of the differences between the resources provided to both child and adult survivors and the statewide standard, comparable by region and by year;

(3) recommendations on measures the state and each region could take to better comply with the statewide standard;

(4) a description of potential sources and mechanisms of funding available to implement the recommendations; and

(5) recommendations for accomplishing policy goals.

(k) To the extent possible, all recommendations, standards, and resource information provided by the task force must be evidence-based and consistent with standards of practice and care in this state and throughout the country.

(l) The task force shall use any available federal or state funding for the purposes of this section.

(m) This section expires September 1, 2023.

Added by Acts 2019, 86th Leg., R.S., Ch. 411 (H.B. [1590](#)), Sec. 3, eff. June 4, 2019.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. [3607](#)), Sec. 9.013, eff. September 1, 2021.

Sec. 772.007. TEXAS ANTI-GANG GRANT PROGRAM. (a) The criminal justice division established under Section 772.006 shall administer a competitive grant program to support regional, multidisciplinary approaches to combat gang violence through the coordination of gang prevention, intervention, and suppression activities.

(b) The grant program administered under this section must be directed toward regions of this state that have demonstrably high levels of gang violence.

(c) The criminal justice division shall award grants to qualified applicants, as determined by the division, that demonstrate a comprehensive approach that balances gang prevention, intervention, and suppression activities to reduce gang violence.

(d) The criminal justice division shall include in the biennial report required by Section 772.006(a)(9) detailed reporting of the results and performance of the grant program administered under this section.

(e) The criminal justice division may use any revenue available for purposes of this section.

Added by Acts 2009, 81st Leg., R.S., Ch. 1130 (H.B. 2086), Sec. 42, eff. September 1, 2009.

Reenacted by Acts 2015, 84th Leg., R.S., Ch. 333 (H.B. 11), Sec. 12, eff. September 1, 2015.

Sec. 772.0071. PROSECUTION OF BORDER CRIME GRANT PROGRAM.

(a) In this section:

(1) "Border crime" means any crime involving transnational criminal activity that undermines public safety or security, including an offense:

(A) during the prosecution of which an affirmative finding may be requested under Article 42A.054(c) or (d), Code of Criminal Procedure;

(B) under Chapter 19, 20, 20A, 21, 22, 46, 47, or 71, Penal Code;

(C) under Title 7 or 8, Penal Code;

(D) under Chapter 481, Health and Safety Code;

(E) committed by a person who is not a citizen or national of the United States and is not lawfully present in the United States; or

(F) that is coordinated with or related to activities or crimes that occur or are committed in the United Mexican States.

(2) "Border region" means the portion of this state that is located in a county that:

(A) is adjacent to an international border;

(B) is adjacent to a county described by Paragraph (A); or

(C) is served by a prosecuting attorney whose jurisdiction includes a county described by Paragraph (A) or (B).

(3) "Criminal justice division" means the criminal justice division established under Section 772.006.

(4) "Eligible prosecuting attorney" means an attorney who represents the state in the prosecution of felonies and who:

(A) serves a county located in the border region;

or

(B) serves a county or counties that the criminal justice division determines to be significantly affected by border crime.

(b) The criminal justice division shall establish and administer a grant program through which an eligible prosecuting attorney or the attorney's office may apply for a grant to support the prosecution of border crime in a county or counties under the jurisdiction of the attorney.

(c) The criminal justice division shall establish:

(1) additional eligibility criteria for grant applicants;

(2) grant application procedures;

(3) guidelines relating to grant amounts;

(4) procedures for evaluating grant applications; and

(5) procedures for monitoring the use of a grant awarded under the program and ensuring compliance with any conditions of a grant.

(d) Repealed by Acts 2015, 84th Leg., R.S., Ch. 334 , Sec. 4, eff. September 1, 2015.

(e) The criminal justice division shall include in the biennial report required by Section 772.006(a)(9) a detailed reporting of the results and performance of the grant program administered under this section.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1106 (S.B. 1649), Sec. 1, eff. June 17, 2011.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 334 (H.B. 12), Sec. 2, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 334 (H.B. 12), Sec. 4, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 770 (H.B. 2299), Sec. 2.61, eff. January 1, 2017.

Sec. 772.00715. EVIDENCE TESTING GRANT PROGRAM. (a) In this section:

(1) "Accredited crime laboratory" has the meaning assigned by Section 420.003.

(2) "Criminal justice division" means the criminal justice division established under Section 772.006.

(3) "Grant program" means the evidence testing grant program established under this section.

(4) "Law enforcement agency" means:

(A) the police department of a municipality;

(B) the sheriff's office of a county; or

(C) a constable's office of a county.

(b) The criminal justice division shall establish and administer a grant program and shall disburse funds to assist law enforcement agencies or counties in testing evidence collected in relation to a sexual assault or other sex offense.

(c) Grant funds may be used only for the testing by an accredited crime laboratory of evidence that was collected in relation to a sexual assault or other sex offense.

(d) The criminal justice division:

(1) may establish additional eligibility criteria for

grant applicants; and

(2) shall establish:

(A) grant application procedures;

(B) guidelines relating to grant amounts; and

(C) criteria for evaluating grant applications.

(e) The criminal justice division shall include in the biennial report required by Section 772.006(a)(9) detailed reporting of the results and performance of the grant program.

Added by Acts 2017, 85th Leg., R.S., Ch. 265 (H.B. 1729), Sec. 3, eff. September 1, 2017.

Added by Acts 2017, 85th Leg., R.S., Ch. 1109 (H.B. 4102), Sec. 3, eff. September 1, 2017.

Sec. 772.00716. EVIDENCE TESTING ACCOUNT. (a) The evidence testing account is created as a dedicated account in the general revenue fund of the state treasury.

(b) Money in the account may be appropriated only to the criminal justice division established under Section 772.006 for purposes of the evidence testing grant program established under Section 772.00715.

(c) Funds distributed under Section 772.00715 are subject to audit by the comptroller.

Added by Acts 2017, 85th Leg., R.S., Ch. 265 (H.B. 1729), Sec. 3, eff. September 1, 2017.

Added by Acts 2017, 85th Leg., R.S., Ch. 1109 (H.B. 4102), Sec. 3, eff. September 1, 2017.

Sec. 772.0072. MISSING OR EXPLOITED CHILDREN PREVENTION GRANTS. (a) In this section, "nonprofit organization" means an organization exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as an organization described by Section 501(c)(3) of that code.

(b) This section applies to a nonprofit organization that is formed to offer programs and provide information to parents or other legal custodians, children, schools, public officials, organizations serving youths, nonprofit organizations, and the general public concerning child safety and Internet safety and the

prevention of child abductions and child sexual exploitation.

(c) The criminal justice division established under Section 772.006 may award a grant to a nonprofit organization described by Subsection (b) that is operating in this state to provide programs and information described by that subsection to assist the Department of Public Safety in the performance of its duties related to missing or exploited children, including any duty related to the missing children and missing persons information clearinghouse under Chapter 63, Code of Criminal Procedure.

Added by Acts 2013, 83rd Leg., R.S., Ch. 571 (S.B. 742), Sec. 8, eff. September 1, 2013.

Transferred, redesignated and amended from Government Code, Section 411.0133 by Acts 2015, 84th Leg., R.S., Ch. 745 (H.B. 1793), Sec. 4, eff. September 1, 2015.

Sec. 772.0073. PEACE OFFICER MENTAL HEALTH GRANT PROGRAM.

(a) In this section:

(1) "Law enforcement agency" means an agency of the state or an agency of a political subdivision of the state authorized by law to employ peace officers.

(2) "Criminal justice division" means the criminal justice division established under Section 772.006.

(b) The criminal justice division shall establish and administer a grant program through which a law enforcement agency may apply for a grant to implement programs, practices, and services designed to address the direct or indirect emotional harm suffered by peace officers employed by the law enforcement agency in the course of the officers' duties or as the result of the commission of crimes by other persons.

(c) Grant money awarded under this section may be used to pay for:

(1) mental health counseling and other mental health care;

(2) personnel costs incurred by the department as a result of providing direct services and supporting activities under an implemented program, practice, or service;

(3) skills training for department personnel related

to providing direct services under an implemented program, practice, or service; and

(4) evaluation of an implemented program, practice, or service to determine its effectiveness.

(d) Information obtained in the administration of a program, practice, or service funded by a grant made under this section is confidential and is not subject to disclosure under Chapter 552.

(e) A law enforcement agency may not use against a peace officer in a departmental proceeding any information obtained in the administration of a program, practice, or service funded by a grant made under this section.

(f) The criminal justice division shall establish:

- (1) eligibility criteria for grant applicants;
- (2) grant application procedures;
- (3) guidelines relating to grant amounts;
- (4) procedures for evaluating grant applications; and
- (5) procedures for monitoring the use of a grant awarded under the program and ensuring compliance with any conditions of a grant.

(g) The criminal justice division shall evaluate and compare the programs, practices, and services implemented by each law enforcement agency that receives a grant under this section to determine the most successful programs, practices, and services for maintaining the mental health of peace officers.

(h) The criminal justice division may contract with a third party to conduct the evaluations and comparison described by Subsection (g).

(i) The criminal justice division shall include in the biennial report required by Section 772.006(a)(9) a detailed reporting of the results and performance of the grant program administered under this section.

(j) The criminal justice division may use any available funds to implement this section.

Added by Acts 2017, 85th Leg., R.S., Ch. 488 (H.B. 2619), Sec. 1, eff. September 1, 2017.

Sec. 772.0074. CRITICAL INCIDENT STRESS DEBRIEFING GRANT PROGRAM. (a) In this section:

(1) "Criminal justice division" means the criminal justice division established under Section 772.006.

(2) "Critical incident" means an incident involving a peace officer that occurs while the officer is performing official duties and that results in serious bodily injury to the officer or poses a substantial risk of serious bodily injury or death to the officer or of serious harm to the officer's mental health or well-being.

(3) "Law enforcement agency" means an agency of the state or an agency of a political subdivision of the state that is authorized by law to employ peace officers.

(4) "Peace officer" has the meaning assigned by Article 2.12, Code of Criminal Procedure.

(b) The criminal justice division shall establish and administer a grant program to assist law enforcement agencies in providing critical incident stress debriefing to peace officers who experience critical incidents while performing official duties.

(c) The criminal justice division may award a grant under this section to:

(1) a law enforcement agency for the agency to provide critical incident stress debriefing to peace officers employed by the agency; or

(2) any other agency, organization with a focus on mental health or trauma-related issues, or university with relevant expertise and experience to assist in providing support for the grant program, including support related to the development, implementation, management, or evaluation of the grant program, as determined necessary by the division.

(d) A law enforcement agency that receives a grant under this section must:

(1) inform each peace officer employed by the agency about:

(A) the program, including opportunities to participate in the program; and

(B) if the officer participates in the program,

the confidentiality protections described by Subsection (e); and

(2) certify in writing that the agency will not use disciplinary action or any other form of punishment, including the refusal of a promotion, to discourage or prohibit an officer's participation in the critical incident stress debriefing offered by the agency.

(e) Critical incident stress debriefing provided using money distributed under the grant program is subject to the confidentiality protections provided under Section 784.003, Health and Safety Code.

(f) The criminal justice division shall establish:

(1) eligibility criteria for grant applicants;

(2) grant application procedures;

(3) procedures for evaluating grant applications;

(4) the minimum qualifications necessary for a person to conduct critical incident stress debriefing that is provided using money distributed under the grant program; and

(5) guidance for the development of critical incident stress debriefing curricula, materials, and best practices.

(g) The criminal justice division shall include in the biennial report required by Section 772.006(a)(9) a detailed reporting of the results and performance of the grant program administered under this section.

Added by Acts 2017, 85th Leg., R.S., Ch. 488 (H.B. 2619), Sec. 2, eff. September 1, 2017.

Sec. 772.0075. BULLETPROOF VEST AND BODY ARMOR GRANT PROGRAM. (a) In this section, "criminal justice division" means the criminal justice division established under Section 772.006.

(b) The criminal justice division shall establish and administer a grant program to provide financial assistance to a law enforcement agency in this state that seeks to equip its peace officers with bulletproof vests, ballistic plates, and plate carriers.

(c) A vest or plate purchased with a grant received under this section must comply with a National Institute of Justice standard for rifle protection.

(d) A law enforcement agency may apply for a grant under this section only if the agency first adopts a policy addressing the:

(1) deployment and allocation of vests or plates to its officers; and

(2) usage of vests or plates by its officers.

(e) A law enforcement agency receiving a grant under this section must, as soon as practicable after receiving the grant, provide to the criminal justice division proof of purchase of bulletproof vests, ballistic plates, and plate carriers, including the price of each item and the number of each type of item purchased.

(f) Not later than December 1 of each year, the criminal justice division shall submit to the Legislative Budget Board a report that provides the following information for the preceding state fiscal year:

(1) the name of each law enforcement agency that applied for a grant under this section;

(2) the amount of money distributed to each law enforcement agency that received a grant under this section; and

(3) as reported under Subsection (e), the number of vests, plates, and carriers purchased by each agency described by Subdivision (2).

(g) The criminal justice division may use any revenue available for purposes of this section.

Added by Acts 2017, 85th Leg., R.S., Ch. 188 (S.B. 12), Sec. 1, eff. May 27, 2017.

Redesignated from Government Code, Section 772.0073 by Acts 2019, 86th Leg., R.S., Ch. 467 (H.B. 4170), Sec. 21.001(30), eff. September 1, 2019.

Sec. 772.0076. ENFORCEMENT OF IMMIGRATION LAW GRANT PROGRAM. (a) In this section:

(1) "Criminal justice division" means the criminal justice division established under Section 772.006.

(2) "Immigration detainer request" means a federal government request to a local entity to maintain temporary custody

of an alien, including a United States Department of Homeland Security Form I-247 document or a similar or successor form.

(3) "Immigration laws" means the laws of this state or federal law relating to aliens, immigrants, or immigration, including the federal Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.).

(4) "Local entity" means a municipality or county.

(b) The criminal justice division shall establish and administer a competitive grant program to provide financial assistance to local entities to offset costs related to:

(1) enforcing immigration laws; or

(2) complying with, honoring, or fulfilling immigration detainer requests.

(c) The criminal justice division shall establish:

(1) eligibility criteria for grant applicants;

(2) grant application procedures;

(3) criteria for evaluating grant applications and awarding grants;

(4) guidelines related to grant amounts; and

(5) procedures for monitoring the use of a grant awarded under this section and ensuring compliance with any conditions of the grant.

(d) The criminal justice division may use any revenue available for purposes of this section.

Added by Acts 2017, 85th Leg., R.S., Ch. 4 (S.B. 4), Sec. 1.02, eff. September 1, 2017.

Redesignated from Government Code, Section 772.0073 by Acts 2019, 86th Leg., R.S., Ch. 467 (H.B. 4170), Sec. 21.001(31), eff. September 1, 2019.

Sec. 772.0077. GRANT PROGRAM FOR MONITORING DEFENDANTS AND VICTIMS IN FAMILY VIOLENCE CASES. (a) In this section:

(1) "Criminal justice division" means the criminal justice division established under Section 772.006.

(2) "Family violence" has the meaning assigned by Section 71.004, Family Code.

(b) The criminal justice division shall establish and

administer a grant program to reimburse counties for all or part of the costs incurred by counties as a result of monitoring in cases involving family violence defendants and victims who participate in a global positioning monitoring system under Article [17.292](#) or [17.49](#), Code of Criminal Procedure. A grant recipient may use funds from a grant awarded under the program only for monitoring conducted for the purpose of restoring a measure of security and safety for a victim of family violence.

(c) The criminal justice division shall establish:

- (1) additional eligibility criteria for grant applicants;
- (2) grant application procedures;
- (3) guidelines relating to grant amounts;
- (4) procedures for evaluating grant applications; and
- (5) procedures for monitoring the use of a grant awarded under the program and ensuring compliance with any conditions of a grant.

(d) The criminal justice division shall include in the biennial report required by Section [772.006\(a\)\(9\)](#) a detailed reporting of the results and performance of the grant program administered under this section.

(e) The criminal justice division may use any revenue available for purposes of this section.

Added by Acts 2021, 87th Leg., R.S., Ch. 675 (H.B. [1906](#)), Sec. 1, eff. June 15, 2021.

Sec. 772.0078. OPIOID ANTAGONIST GRANT PROGRAM. (a) In this section:

(1) "Criminal justice division" means the criminal justice division established under Section [772.006](#).

(2) "Opioid antagonist" and "opioid-related drug overdose" have the meanings assigned by Section [483.101](#), Health and Safety Code.

(b) The criminal justice division shall establish and administer a grant program to provide financial assistance to a law enforcement agency in this state that seeks to provide opioid antagonists to peace officers, evidence technicians, and related

personnel who, in the course of performing their duties, are likely to come into contact with opioids or encounter persons suffering from an apparent opioid-related drug overdose.

(c) A law enforcement agency may apply for a grant under this section only if the agency first adopts a policy addressing the usage of an opioid antagonist for a person suffering from an apparent opioid-related drug overdose.

(d) In an application for a grant under this section, the law enforcement agency shall provide information to the criminal justice division about the frequency and nature of:

(1) interactions between peace officers and persons suffering from an apparent opioid-related drug overdose;

(2) calls for assistance based on an apparent opioid-related drug overdose; and

(3) any exposure of peace officers, evidence technicians, or related personnel to opioids or suspected opioids in the course of performing their duties and any reactions by those persons to those substances.

(e) A law enforcement agency receiving a grant under this section shall, as soon as practicable after receiving the grant, provide to the criminal justice division proof of purchase of the opioid antagonists.

(f) The criminal justice division may use any money available for purposes of this section.

Added by Acts 2019, 86th Leg., R.S., Ch. 579 (S.B. 340), Sec. 1, eff. June 10, 2019.

Added by Acts 2019, 86th Leg., R.S., Ch. 1167 (H.B. 3285), Sec. 4, eff. September 1, 2019.

Sec. 772.008. PLANNING ASSISTANCE FOR POLITICAL SUBDIVISIONS. (a) The governor may, on request of the governing body of a political subdivision or the authorized agency of a group of political subdivisions:

(1) arrange planning assistance, including surveys, community renewal plans, technical services, and other planning; and

(2) arrange for a study or report on a planning problem

submitted to the governor.

(b) The governor and the governing body may agree on the amount, if any, to be paid to the governor's office for planning services.

(c) The governor may apply for and accept grants from, and contract with, the federal government or other sources for any planning assistance, study, or report under this section.

(d) The governor may use the regular functions of the office of the governor or another state agency in providing planning assistance under this section.

(e) The governor may exercise powers under this section through a designated representative.

Added by Acts 1993, 73rd Leg., ch. 107, Sec. 4.13(a), eff. Aug. 30, 1993.

Sec. 772.009. GRANT ASSISTANCE. (a) The director of the Governor's Office of Budget and Planning shall establish a state grant writing team. The grant writing team shall:

(1) develop a plan for increased state access to available federal funds;

(2) coordinate with state agencies to develop a plan for the use of federal grant funds;

(3) monitor the federal register, the Texas Register, and other federal or state publications to identify federal and state funding opportunities, with special emphasis on discretionary grants or other funding opportunities that the state is not pursuing;

(4) develop procedures to formally notify appropriate state and local agencies of the availability of discretionary federal funds and coordinate the application process; and

(5) periodically review the funding strategies and methods of those states that rank significantly above the national average in the per capita receipt of federal funds to determine whether those strategies and methods could be successfully employed by this state.

(b) The grant writing team may:

(1) establish a clearinghouse of information relating

to the availability of state, federal, and private grants;

(2) establish an automated information system database for grant information and make it available for use by state agencies and political subdivisions;

(3) provide counseling to state agencies, political subdivisions of the state, nonprofit charitable institutions, educational institutions, and residents of the state concerning the availability and means of obtaining state, federal, and private grants;

(4) provide grant writing assistance and training to state agencies, political subdivisions of the state, individuals, and other entities either directly or through interagency contracts, cooperative agreements, or contracts with third-party providers;

(5) publicize the services and activities of the grant writing team through chambers of commerce, councils of government, department newsletters, local governments, state agencies, institutions of higher education, business organizations, private philanthropic organizations, and other appropriate entities and methods;

(6) establish and maintain a database of state agencies designated under state and federal law to receive federal categorical and block grant funds; and

(7) analyze the criteria for grants for which state agencies are denied access because of state law or rules or agency organization and suggest changes in agency rules or organization that would increase the probability of the agency's receiving federal or other grants.

(c) When appropriate, the grant writing team shall charge and collect fees from a person who uses the grant writing team's services. The fee shall be set in an amount necessary to cover all or a part of the costs of the services.

(d) The grant writing team shall monitor and identify federal grants that are available to state and local criminal justice agencies and assist the agencies in applying for and obtaining those grants.

(e) The grant writing team may initiate negotiations for and

enter into a memorandum of understanding with other state agencies to cooperate with the grant writing team in providing:

(1) information on federal and state funding opportunities;

(2) technical assistance; or

(3) assistance in writing grant proposals for political subdivisions of the state, nonprofit charitable institutions, educational institutions, and residents of the state.

(f) Each state agency shall designate an employee on the management or senior staff level to serve as the agency's federal funds coordinator. An agency may not create a staff position for a federal funds coordinator. The coordinator's duties are additional duties of an employee of the agency. Each federal funds coordinator shall:

(1) oversee and coordinate the agency's efforts in acquiring discretionary federal funds;

(2) send the grant writing team an annual report listing the grants for which the agency has applied and the catalogue of federal domestic assistance number and giving a short description of the grant; and

(3) notify the grant writing team of an award or denial of a federal grant to the agency.

(g) Each state agency other than an institution of higher education shall file an annual report with the grant writing team concerning the agency's efforts to acquire available discretionary federal funds during the preceding state fiscal year. The grant writing team shall establish guidelines for information included in the annual report required by this subsection.

(g-1) The grant writing team shall:

(1) evaluate the effectiveness of each agency in acquiring discretionary federal funds during the preceding state fiscal year;

(2) report the findings of the evaluation to the governor and the Legislative Budget Board; and

(3) publish the report on the office of the governor's Internet website.

(h) After reviewing the reports under Subsection (g), if the governor or Legislative Budget Board determines that an agency's efforts were unsatisfactory, either entity may, without a finding of an existing emergency, take action under Chapter 317 to affect the agency's appropriation.

(i) In this section:

(1) "Earned federal funds" means funds that are received or earned in connection with a federally funded program but that are not required by the governing agreement to be distributed on that program. The term includes indirect cost receipts and interest earned on advances of federal funds.

(2) "Federal funds" means all assistance provided or potentially available to state agencies from the federal government in the form of grants, contracts, loans, loan guarantees, property, cooperative agreements, interest subsidies, insurance, direct appropriations, or any other method of disbursement.

(3) "Indirect costs" means costs, as defined by Federal Management Circular A-87 or subsequent revisions of that circular, that are incurred by state agencies in support of federally funded programs and that are eligible for reimbursement from the federal government.

(4) "Local governmental entity" means a county, municipality, special purpose district, including a school district, or any other political subdivision of this state.

Added by Acts 1995, 74th Leg., ch. 306, Sec. 15, eff. Sept. 1, 1995.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1312 (S.B. 59), Sec. 43, eff. September 1, 2013.

Acts 2015, 84th Leg., R.S., Ch. 1203 (S.B. 1455), Sec. 11, eff. September 1, 2015.

Sec. 772.010. BORDER COMMERCE COORDINATOR. (a) The governor shall designate a border commerce coordinator in the governor's office or the office of the secretary of state as determined by the governor. The coordinator shall:

(1) examine trade issues between the United States, Mexico, and Canada;

(2) act as an ombudsman for government agencies within the Texas and Mexico border region to help reduce regulations by improving communication and cooperation between federal, state, and local governments;

(3) work with federal officials to resolve transportation issues involving infrastructure, including roads and bridges, to allow for the efficient movement of goods and people across the border between Texas and Mexico;

(4) work with federal officials to create a unified federal agency process to streamline border crossing needs;

(5) work to increase funding for the North American Development Bank to assist in the financing of water and wastewater facilities;

(6) explore the sale of excess electric power from Texas to Mexico;

(7) study the flow of commerce at ports of entry between this state and Mexico, including the movement of commercial vehicles across the border, and establish a plan to aid that commerce and improve the movement of those vehicles;

(8) work to identify problems associated with border truck inspections and related trade and transportation infrastructure and develop recommendations for addressing those problems;

(9) work with the appropriate state and federal agencies to develop initiatives to mitigate congestion at ports of entry; and

(10) develop recommendations designed to:

(A) increase trade by attracting new business ventures;

(B) support expansion of existing and new industries; and

(C) address workforce training needs.

(b) The governor shall appoint a border commerce coordinator to serve at the will of the governor in the governor's office or in the office of the secretary of state and may select the secretary of state as the coordinator.

(c) The coordinator shall work with the interagency work

group established under Section 772.011, with local governments, metropolitan planning organizations, and other appropriate community organizations adjacent to the border of this state with Mexico, and with comparable entities in Mexican states adjacent to that border to address the unique planning and capacity needs of those areas. The coordinator shall assist those governments, organizations, and entities to identify and develop initiatives to address those needs. Before January 1 of each year, the coordinator shall submit to the presiding officer of each house of the legislature a report of the coordinator's activities under this subsection during the preceding year.

(d) The coordinator shall:

(1) work with private industry and appropriate entities of Texas and the United States to require that low-sulfur fuel be sold along highways in Texas carrying increased traffic related to activities under the North American Free Trade Agreement; and

(2) work with representatives of the government of Mexico and the governments of Mexican states bordering Texas to increase the use of low-sulfur fuel.

(e) The coordinator shall appoint a border mayor task force, to be named the Texas Good Neighbor Committee, consisting of the mayors from every municipality located in this state along the border between Texas and Mexico that has an adjoining sister city in Mexico. The task force shall:

(1) advise the coordinator on key trade, security, and transportation-related issues important to the municipalities appointed to the task force;

(2) hold quarterly meetings with mayors from Mexico to:

(A) increase:

(i) cooperation;

(ii) communication; and

(iii) the flow of information;

(B) identify problems; and

(C) recommend solutions;

(3) seek assistance and input from private sector

stakeholders involved in commerce to identify issues to address;
and

(4) provide recommendations to assist the coordinator in carrying out the coordinator's statutory duties.

Added by Acts 1999, 76th Leg., ch. 429, Sec. 1, eff. Sept. 1, 1999.

Added by Acts 1999, 76th Leg., ch. 1339, Sec. 1, eff. June 19, 1999.

Reenacted and amended by Acts 2005, 79th Leg., Ch. 1215 (H.B. [925](#)), Sec. 3(a), eff. September 1, 2005.

Reenacted and amended by Acts 2015, 84th Leg., R.S., Ch. 429 (S.B. [1389](#)), Sec. 1, eff. September 1, 2015.

Text of section effective if a specific appropriation is provided
in the General Appropriations Act (S.B. 1, 79R)

Sec. 772.0101. BORDER INSPECTION, TRADE, AND TRANSPORTATION ADVISORY COMMITTEE. (a) The border commerce coordinator shall establish and appoint the members of the Border Inspection, Trade, and Transportation Advisory Committee. The members must include representatives of the Texas Department of Transportation, the Department of Public Safety of the State of Texas, the Office of State-Federal Relations, the United States Department of Transportation, the Federal Motor Carrier Safety Administration, and other representatives of state and federal agencies involved in border crossing issues. Chapter [2110](#) does not apply to the size, composition, or duration of the Border Inspection, Trade, and Transportation Advisory Committee.

(b) The coordinator shall work with the advisory committee and the interagency work group established under Section [772.011](#) to:

(1) identify problems involved with border truck inspections and related trade and transportation infrastructure;
and

(2) develop recommendations for addressing those problems.

(c) The coordinator shall work with the advisory committee and appropriate agencies of Texas, the United States, and Mexico to develop initiatives to mitigate congestion at ports of entry at the Mexican border by conducting in Mexico inspections of trucks

entering Texas. In developing the initiatives, the coordinator shall give consideration to similar initiatives proposed or implemented at the border of the United States and Canada.

(d) The coordinator shall report quarterly to the presiding officer of each house of the legislature on the findings and recommendations of the advisory committee.

Added by Acts 2005, 79th Leg., Ch. 1215 (H.B. 925), Sec. 3(b), eff. September 1, 2005.

Text of section effective if a specific appropriation is provided
in the General Appropriations Act (S.B. 1, 79R)

Sec. 772.0102. TRADE AND COMMERCE PLAN. (a) The border commerce coordinator shall develop, in conjunction with representatives of chambers of commerce, metropolitan planning organizations adjacent to the United Mexican States, and private industry groups, and with the advice of the interagency work group established under Section 772.011, a comprehensive trade and commerce plan for the region designed to:

- (1) increase trade by attracting new business ventures;
- (2) support expansion of existing industries; and
- (3) address workforce training needs.

(b) The plan must cover five-year, 10-year, and 15-year periods.

(c) The coordinator shall work with industries and communities on both sides of the border to develop international industry cluster initiatives to capitalize on resources available in communities located adjacent to each other across the border.

(d) The coordinator shall conduct annual conferences of interested persons, working with chambers of commerce and universities of this state along the Texas and Mexico border region, and shall host those conferences at no cost to the coordinator. The purposes of the conferences are to:

- (1) make the trade and commerce plan public;
- (2) report on updated findings and progress of implementation of the plan; and
- (3) develop new international industry cluster

initiatives.

Added by Acts 2005, 79th Leg., Ch. 1215 (H.B. 925), Sec. 3(b), eff. September 1, 2005.

Sec. 772.011. INTERAGENCY WORK GROUP ON BORDER ISSUES. (a)

An interagency work group is created to:

(1) develop or update a process to allow agencies to work together on issues that face border communities;

(2) discuss and coordinate programs and services offered to border communities and residents of border communities; and

(3) develop regulatory and legislative recommendations to eliminate duplication and combine program services.

(b) The work group is composed of the heads of the following agencies or their designees:

(1) the Texas Department of Rural Affairs;

(2) the Texas Department of Housing and Community Affairs;

(3) the Texas Water Development Board;

(4) the Texas Department of Transportation;

(5) the Texas Commission on Environmental Quality;

(6) the Texas Workforce Commission;

(7) the Department of State Health Services;

(8) the Health and Human Services Commission;

(9) the General Land Office;

(10) the Texas Economic Development and Tourism Office;

(11) the Office of State-Federal Relations;

(12) the Texas Higher Education Coordinating Board;

(13) the attorney general's office;

(14) the secretary of state's office;

(15) the Department of Public Safety; and

(16) the Railroad Commission of Texas.

(c) The work group shall meet at least once each year in Austin to discuss border issues and to provide information showing the impact each agency has on border communities for use in

developing border policy.

(d) In this section, "border region" means the portion of this state located within 100 kilometers of this state's international border.

(e) In fulfilling its duties, the work group shall consider the effect of policies instituted by the federal government impacting the border region.

Added by Acts 2005, 79th Leg., Ch. 1215 (H.B. 925), Sec. 4, eff. September 1, 2005.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 112 (H.B. 1918), Sec. 95, eff. September 1, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 1176 (H.B. 3278), Sec. 3, eff. June 17, 2011.

Sec. 772.012. COMPLIANCE WITH CYBERSECURITY TRAINING REQUIREMENTS. (a) In this section, "local government" has the meaning assigned by Section 2054.003.

(b) To apply for a grant under this chapter, a local government must submit with the grant application a written certification of the local government's compliance with the cybersecurity training required by Section 2054.5191.

(c) On a determination by the criminal justice division established under Section 772.006 that a local government awarded a grant under this chapter has not complied with the cybersecurity training required by Section 2054.5191, the local government shall pay to this state an amount equal to the amount of the grant award. A local government that is the subject of a determination described by this subsection is ineligible for another grant under this chapter until the second anniversary of the date the local government is determined ineligible.

Added by Acts 2021, 87th Leg., R.S., Ch. 51 (H.B. 1118), Sec. 1, eff. May 18, 2021.

SUBCHAPTER B. BORDER PROSECUTION UNIT

Sec. 772.051. DEFINITIONS. In this subchapter:

(1) "Border crime" and "border region" have the meanings assigned by Section [772.0071](#).

(2) "Border prosecuting attorney" means a prosecuting attorney in a border region who represents the state in the prosecution of felony border crimes.

(3) "Criminal justice division" means the criminal justice division established under Section [772.006](#).

(4) "Prosecuting attorney" means a district attorney, criminal district attorney, or county attorney with felony criminal jurisdiction.

(5) "Unit" means the border prosecution unit.
Added by Acts 2015, 84th Leg., R.S., Ch. 334 (H.B. [12](#)), Sec. 3, eff. September 1, 2015.

Sec. 772.052. GENERAL FUNCTION OF BORDER PROSECUTION UNIT. The governor shall establish the border prosecution unit within the criminal justice division to cooperate with and support members of the unit in prosecuting border crime.

Added by Acts 2015, 84th Leg., R.S., Ch. 334 (H.B. [12](#)), Sec. 3, eff. September 1, 2015.

Sec. 772.053. MEMBERSHIP. (a) The unit is composed of the following prosecuting attorneys:

(1) the district attorney for the 34th Judicial District;

(2) the district attorney for the 38th Judicial District;

(3) the district attorney for the 49th Judicial District;

(4) the district attorney for the 63rd Judicial District;

(5) the district attorney for the 79th Judicial District;

(6) the district attorney for the 81st Judicial District;

(7) the district attorney for the 83rd Judicial District;

- (8) the district attorney for the 112th Judicial District;
- (9) the district attorney for the 143rd Judicial District;
- (10) the district attorney for the 156th Judicial District;
- (11) the district attorney for the 229th Judicial District;
- (12) the district attorney for the 293rd Judicial District;
- (13) the district attorney for the 452nd Judicial District;
- (14) the criminal district attorney for Hidalgo County;
- (15) the county attorney with felony criminal jurisdiction for Cameron County;
- (16) the district attorney for Kleberg and Kenedy Counties;
- (17) the county attorney with felony criminal jurisdiction for Willacy County; and
- (18) any other prosecuting attorney who represents the state in the prosecution of felonies for a judicial district that is created by the legislature in the border region or who receives a grant under the prosecution of border crime grant program established under Section [772.0071](#).

(b) A prosecuting attorney described by Subsection (a) shall serve on the unit in addition to the other duties of the prosecuting attorney assigned by law.

(c) Each member of the unit shall enter into a memorandum of understanding with the criminal justice division to collaborate and cooperate in the prosecution of border crime.

Added by Acts 2015, 84th Leg., R.S., Ch. 334 (H.B. [12](#)), Sec. 3, eff. September 1, 2015.

Sec. 772.054. OFFICERS. (a) The unit, on a majority vote, shall elect from among its membership a presiding officer and an assistant presiding officer.

(b) The presiding officer and the assistant presiding officer serve terms of one year.

(c) The assistant presiding officer serves as presiding officer in the presiding officer's absence or if a vacancy occurs in that office until a new presiding officer is elected as provided by Subsection (d).

(d) If a vacancy occurs in the office of presiding officer or assistant presiding officer before the end of the vacating officer's term, the unit shall elect a person to serve the remainder of the term.

Added by Acts 2015, 84th Leg., R.S., Ch. 334 (H.B. 12), Sec. 3, eff. September 1, 2015.

Sec. 772.055. REIMBURSEMENT FOR EXPENSES. A member of the unit is not entitled to compensation for service on the unit but is entitled to be reimbursed for necessary expenses incurred in carrying out the duties and responsibilities of a member of the unit as provided by the General Appropriations Act.

Added by Acts 2015, 84th Leg., R.S., Ch. 334 (H.B. 12), Sec. 3, eff. September 1, 2015.

Sec. 772.056. DUTIES OF UNIT. (a) The unit shall meet at least once annually to provide the governor, the lieutenant governor, the speaker of the house of representatives, and the members of the legislature with information regarding:

(1) the status of border crime and its effect on prosecutorial resources;

(2) the border crimes prosecuted by members of the unit; and

(3) the number of border crimes that are committed by a person who is not lawfully present in the United States.

(b) The unit shall advise the criminal justice division on:

(1) the allocation of grants under the prosecution of border crime grant program established under Section 772.0071;

(2) the division of the border region into two or more subregions for training purposes; and

(3) any additional prosecutorial needs of the border

prosecuting attorneys, including a need for the employment of regional counsel described by Section 772.057 to assist with the prosecution of border crimes.

(c) The unit shall facilitate the coordination and collaboration of the border prosecuting attorneys with any regional counsel described by Section 772.057 and with other law enforcement agencies, including the Department of Public Safety, in the investigation and prosecution of border crime.

(d) The unit shall develop a nonexclusive list of offenses not otherwise described by Section 772.0071(a)(1) that constitute border crime to provide guidance and enhance uniformity in the investigation and prosecution of border crime.

(e) The unit shall serve as a clearinghouse for information related to the investigation and prosecution of border crime and shall develop best practices and guidelines, including best practices for the collection and protection of confidential law enforcement information.

(f) The unit shall assist in developing a training program and providing training to members of the unit and law enforcement agencies in the border region on specific issues and techniques relating to the investigation and prosecution of border crime.

(g) The unit shall develop accountability and performance measures for members of the unit who receive a grant under the prosecution of border crime grant program established under Section 772.0071.

Added by Acts 2015, 84th Leg., R.S., Ch. 334 (H.B. 12), Sec. 3, eff. September 1, 2015.

Sec. 772.057. DUTIES OF REGIONAL COUNSEL. (a) An attorney employed by a border prosecuting attorney as regional counsel shall assist the border prosecuting attorneys and other regional counsel, as needed, in:

- (1) the prosecution of border crime;
- (2) the screening of cases involving border crime;
- (3) the presenting of cases involving border crime to a grand jury; and
- (4) the preparation and trial of cases involving

border crime.

(b) The regional counsel shall serve as a liaison between the unit and other criminal justice entities, including the Department of Public Safety and federal, state, and local prosecutors and law enforcement agencies located in the border region, by:

(1) working closely with those entities, as needed, to coordinate and assist in the investigation and prosecution of border crime; and

(2) attending multiagency task force hearings and meetings held by federal, state, and local prosecutors and law enforcement agencies on the investigation and prosecution of border crime.

(c) The regional counsel shall provide legal and technical assistance to law enforcement agencies investigating border crime, including by:

(1) providing legal advice and recommendations regarding Fourth Amendment search and seizure issues, relevant statutes, and case law;

(2) drafting and reviewing affidavits requesting the issuance of search warrants, wiretap orders, pen register and trap and trace orders, mobile tracking device orders, and similar court orders; and

(3) drafting requests for court orders authorizing:

(A) the interception of oral, wire, and electronic communications;

(B) the installation and use of a pen register or trap and trace device;

(C) the disclosure of subscriber or customer records and information; and

(D) other similar court orders that are required to be filed by a prosecutor.

(d) The regional counsel shall coordinate training with the unit for border prosecuting attorneys and law enforcement agencies, including by:

(1) assisting in identifying training needs in the county or subregion, if any is created, in which the border

prosecuting attorney's office or the agency is located;

(2) assisting in the development of training curricula and guidelines for the investigation and prosecution of border crime; and

(3) participating in and hosting training presentations and sessions in each subregion, if any is created.

(e) The regional counsel shall provide legal and technical assistance to border prosecuting attorneys, including by:

(1) performing legal research relating to investigating and prosecuting border crime, if requested; and

(2) coordinating with border prosecuting attorneys and law enforcement agencies to identify experts in the investigation and prosecution of complex, long-term cases against organized criminal enterprises.

Added by Acts 2015, 84th Leg., R.S., Ch. 334 (H.B. 12), Sec. 3, eff. September 1, 2015.

Sec. 772.058. GIFTS AND GRANTS. The criminal justice division may apply for and accept gifts, grants, and donations from any organization described in Section 501(c)(3) or (4) of the Internal Revenue Code of 1986 for the purposes of funding any activity of the unit under this subchapter. The criminal justice division may apply for and accept grants under federal and state programs.

Added by Acts 2015, 84th Leg., R.S., Ch. 334 (H.B. 12), Sec. 3, eff. September 1, 2015.