

Amend CSSB 219 (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. PROSECUTION BY ATTORNEY GENERAL OF ETHICS-RELATED
OFFENSES

SECTION _____.01. Effective January 1, 2014, Chapter 402, Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. PUBLIC INTEGRITY UNIT

Sec. 402.101. DEFINITIONS. In this subchapter:

(1) "Offense" means a prohibited act for which state law imposes a criminal or civil penalty.

(2) "Prosecute" means represent the state to impose a criminal or civil penalty.

(3) "Prosecuting attorney" means a district attorney, criminal district attorney, or county attorney.

Sec. 402.102. OFFENSES AGAINST PUBLIC ADMINISTRATION. For purposes of this subchapter, the following are offenses against public administration:

(1) an offense under Title 8, Penal Code, committed by a state officer or a state employee in connection with the powers and duties of the state office or state employment;

(2) an offense under Chapter 301, 302, 305, 571, 572, or 2004;

(3) an offense under Chapter 573 committed by a state officer in connection with the powers and duties of the state office; and

(4) an offense under Title 15, Election Code, committed in connection with:

(A) a campaign for or the holding of state office; or

(B) an election on a proposed constitutional amendment.

Sec. 402.103. OFFENSES INVOLVING INSURANCE FRAUD. For purposes of this subchapter, the following are offenses involving insurance fraud:

(1) an offense under Chapter 35, Penal Code, including an offense under that chapter that involves workers' compensation insurance under Title 5, Labor Code; or

(2) a fraudulent insurance act as defined by Section 701.001, Insurance Code, including an act that involves workers' compensation insurance under Title 5, Labor Code.

Sec. 402.104. OFFENSES INVOLVING MOTOR FUELS TAX. For purposes of this subchapter, an offense involving motor fuels tax means a felony offense under Section 162.403, Tax Code.

Sec. 402.105. PUBLIC INTEGRITY UNIT. The public integrity unit is in the office of the attorney general.

Sec. 402.106. INVESTIGATION AND PROSECUTION BY PUBLIC INTEGRITY UNIT. (a) The public integrity unit has the authority to investigate whether a person has committed:

(1) an offense against public administration;

(2) an offense involving insurance fraud; or

(3) an offense involving motor fuels tax.

(b) The public integrity unit may, on request of the appropriate prosecuting attorney, assist in the prosecution of or prosecute an offense under this section.

(c) If assisting in a prosecution as provided by Subsection (b), the public integrity unit may exercise the powers as necessary to accomplish the assistance, and the prosecuting attorney retains the authority to represent the state in the district and inferior courts in the prosecution of the offense.

(d) The authority of the public integrity unit to investigate an offense under Subsection (a) does not preclude another person from conducting any investigation as authorized or required under other law.

Sec. 402.107. COOPERATION OF STATE AGENCIES AND LOCAL LAW ENFORCEMENT AGENCIES. (a) To the extent allowed by law, a state agency or local law enforcement agency shall cooperate with the public integrity unit by providing information requested by the unit as necessary to carry out the purposes of this subchapter.

(b) Information disclosed under this section is confidential and not subject to disclosure under Chapter 552.

Sec. 402.108. VENUE. Notwithstanding other law, venue for

prosecution of an offense against public administration, an offense involving insurance fraud, or an offense involving motor fuels tax is in the county in which the offense is committed.

SECTION ____ .02. Effective January 1, 2014, Sections 301.027(b) and (c), Government Code, are amended to read as follows:

(b) If the president of the senate or speaker receives a report or statement of facts as provided by Subsection (a), the president of the senate or speaker shall certify the statement of facts to the public integrity unit of the office of the attorney general [~~Travis County district attorney~~] under the seal of the senate or house of representatives, as appropriate. The public integrity unit may conduct an investigation on receipt of the statement of facts under this subsection.

(c) If after conducting an investigation under Subsection (b) the public integrity unit accepts the statement of facts, the unit may provide the results of the investigation to the [~~The Travis County~~] district attorney or other prosecuting attorney of the county in which the offense is committed, who shall bring the matter before the grand jury for action. If the grand jury returns an indictment, the prosecuting [~~district~~] attorney shall prosecute the indictment or request that the attorney general prosecute the indictment.

SECTION ____ .03. Effective January 1, 2014, Section 402.009, Government Code, is amended to read as follows:

Sec. 402.009. AUTHORITY TO EMPLOY AND COMMISSION PEACE OFFICERS. The attorney general may employ and commission peace officers as investigators for:

(1) the limited purpose of assisting the attorney general in carrying out the duties of that office relating to prosecution assistance and crime prevention; or

(2) the purpose of investigating offenses against public administration, offenses involving insurance fraud, and offenses involving motor fuels tax prosecuted under Subchapter D.

SECTION ____ .04. (a) Not later than March 1, 2014, the attorney general shall establish the public integrity unit under Subchapter D, Chapter 402, Government Code, as added by this Act.

(b) Subchapter D, Chapter 402, Government Code, as added by this Act, applies only to the prosecution of an offense against public administration or an offense involving insurance fraud or motor fuels tax committed on or after April 1, 2014. For purposes of this section, an offense is committed before April 1, 2014, if any element of the offense occurs before that date.

(c) The prosecution of an offense committed before April 1, 2014, is covered by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose, except that a county attorney, district attorney, or criminal district attorney may, on the request of the attorney general, permit the public integrity unit established under Subchapter D, Chapter 402, Government Code, as added by this Act, to assume the prosecution of the offense.

(d) On January 1, 2014, appropriations made by the 83rd Legislature to the Judiciary Section, Comptroller's Department, for purposes of the Public Integrity Unit, Travis County, are transferred to the office of the attorney general for purposes of the Public Integrity Unit under Subchapter D, Chapter 402, Government Code, as added by this Act.