

AN ACT

relating to the investigation and prosecution of offenses against public administration, including ethics offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 411, Government Code, is amended by adding Subchapter B-1 to read as follows:

SUBCHAPTER B-1. PUBLIC INTEGRITY UNIT

Sec. 411.0251. DEFINITIONS. In this subchapter:

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

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

(3) "State agency" means a department, commission, board, office, council, authority, or other agency in the executive branch of state government that is created by the constitution or a statute of this state, including a university system or institution of higher education as defined by Section 61.003, Education Code.

(4) "State employee" means an individual, other than a state officer, who is employed by:

(A) a state agency;

(B) the Supreme Court of Texas, the Court of Criminal Appeals of Texas, a court of appeals, or the Texas Judicial Council; or

(C) either house of the legislature or a

1 legislative agency, council, or committee, including the
2 Legislative Budget Board, the Texas Legislative Council, the State
3 Auditor's Office, and the Legislative Reference Library.

4 (5) "State officer" means an elected officer, an
5 appointed officer, a salaried appointed officer, an appointed
6 officer of a major state agency, or the executive head of a state
7 agency.

8 Sec. 411.0252. OFFENSES AGAINST PUBLIC ADMINISTRATION. For
9 purposes of this subchapter, the following are offenses against
10 public administration:

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

14 (2) an offense under Chapter 301, 302, 571, 572, or
15 2004 committed by a state officer or a state employee in connection
16 with the powers and duties of the state office or state employment
17 or by a candidate for state office;

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

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

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

25 (B) an election on a proposed constitutional
26 amendment.

27 Sec. 411.0253. PUBLIC INTEGRITY UNIT. (a) The Texas

1 Rangers division of the department shall establish and support a
2 public integrity unit.

3 (b) On receiving a formal or informal complaint regarding an
4 offense against public administration or on request of a
5 prosecuting attorney or law enforcement agency, the public
6 integrity unit may perform an initial investigation into whether a
7 person has committed an offense against public administration.

8 (c) The Texas Rangers have authority to investigate an
9 offense against public administration, any lesser included
10 offense, and any other offense arising from conduct that
11 constitutes an offense against public administration.

12 (d) If an initial investigation by the public integrity unit
13 demonstrates a reasonable suspicion that an offense against public
14 administration occurred, the matter shall be referred to the
15 prosecuting attorney of the county in which venue is proper under
16 Section 411.0256 or Chapter 13, Code of Criminal Procedure, as
17 applicable.

18 (e) The public integrity unit shall, on request of the
19 prosecuting attorney described by Subsection (d), assist the
20 attorney in the investigation of an offense against public
21 administration.

22 Sec. 411.0254. NOTIFICATION REGARDING DISPOSITION OF CASE.
23 The prosecuting attorney shall notify the public integrity unit of:

24 (1) the termination of a case investigated by the
25 public integrity unit; or

26 (2) the results of the final disposition of a case
27 investigated by the public integrity unit, including the final

1 adjudication or entry of a plea.

2 Sec. 411.0255. RECUSAL OF PROSECUTING ATTORNEY; SELECTION
3 OF PROSECUTING ATTORNEY BY PRESIDING JUDGE OF ADMINISTRATIVE
4 JUDICIAL REGION. (a) In this section, "judges" means the presiding
5 judges of the administrative judicial regions.

6 (b) A prosecuting attorney may request that the court with
7 jurisdiction over the complaint permit the attorney to recuse
8 himself or herself for good cause in a case investigated under this
9 subchapter, and on submitting the notice of recusal, the attorney
10 is disqualified.

11 (c) Following the recusal of a prosecuting attorney under
12 Subsection (b), the judges shall appoint a prosecuting attorney
13 from another county in that administrative judicial region by
14 majority vote. A prosecuting attorney selected under this
15 subsection has the authority to represent the state in the
16 prosecution of the offense.

17 (d) The prosecutor selected under this section may pursue a
18 waiver to extend the statute of limitations by no more than two
19 years. If the waiver adds less than two years to limitations, the
20 prosecutor may pursue a successive waiver for good cause shown to
21 the court, providing that the total time of all waivers does not
22 exceed two years.

23 Sec. 411.0256. VENUE. Notwithstanding Chapter 13, Code of
24 Criminal Procedure, or other law, if the defendant is a natural
25 person, venue for prosecution of an offense against public
26 administration and lesser included offenses arising from the same
27 transaction is the county in which the defendant resided at the time

1 the offense was committed.

2 Sec. 411.0257. RESIDENCE. For the purposes of this
3 subchapter, a person resides in the county where that person:

4 (1) claims a residence homestead under Chapter 41,
5 Property Code, if that person is a member of the legislature;

6 (2) claimed to be a resident before being subject to
7 residency requirements under Article IV, Texas Constitution, if
8 that person is a member of the executive branch of this state;

9 (3) claims a residence homestead under Chapter 41,
10 Property Code, if that person is a justice on the supreme court or
11 judge on the court of criminal appeals; or

12 (4) otherwise claims residence if no other provision
13 of this section applies.

14 Sec. 411.0258. COOPERATION OF STATE AGENCIES AND LOCAL LAW
15 ENFORCEMENT AGENCIES. (a) To the extent allowed by law, a state
16 agency or local law enforcement agency shall cooperate with the
17 public integrity unit and prosecuting attorney by providing
18 resources and information requested by the unit as necessary to
19 carry out the purposes of this subchapter.

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

22 Sec. 411.0259. SUBPOENAS. (a) In connection with an
23 investigation of an alleged offense against public administration,
24 the public integrity unit may issue a subpoena to compel the
25 production, for inspection or copying, of relevant evidence that is
26 in this state.

27 (b) A subpoena may be served personally or by certified

1 mail.

2 (c) If a person fails to comply with a subpoena, the public
3 integrity unit, acting through the general counsel of the
4 department, may file suit to enforce the subpoena in a district
5 court in this state. On finding that good cause exists for issuing
6 the subpoena, the court shall order the person to comply with the
7 subpoena. The court may punish a person who fails to obey the court
8 order.

9 SECTION 2. Chapter 41, Government Code, is amended by
10 adding Subchapter F to read as follows:

11 SUBCHAPTER F. PAYMENTS FOR PUBLIC INTEGRITY PROSECUTIONS

12 Sec. 41.351. DEFINITIONS. In this subchapter:

13 (1) "Offense against public administration" means an
14 offense described by Section 411.0252.

15 (2) "Prosecuting attorney" means a county attorney,
16 district attorney, or criminal district attorney.

17 Sec. 41.352. PAYMENT FOR EXTRAORDINARY COSTS OF
18 PROSECUTION. The comptroller shall pay from funds appropriated to
19 the comptroller's judiciary section, from appropriations made
20 specifically for enforcement of this section, reasonable amounts
21 incurred by a prosecuting attorney for extraordinary costs of
22 prosecution of an offense against public administration.

23 SECTION 3. Sections 301.027(b) and (c), Government Code,
24 are amended to read as follows:

25 (b) If the president of the senate or speaker receives a
26 report or statement of facts as provided by Subsection (a), the
27 president of the senate or speaker shall certify the statement of

1 facts to the appropriate prosecuting [~~Travis County district~~]
2 attorney as provided under Section 411.0253(d) under the seal of
3 the senate or house of representatives, as appropriate.

4 (c) The prosecuting [~~Travis County district~~] attorney to
5 whom a statement of facts is certified under Subsection (a) or the
6 prosecutor selected under Section 411.0255, if applicable, shall
7 bring the matter before the grand jury for action. If the grand
8 jury returns an indictment, the prosecuting [~~district~~] attorney
9 shall prosecute the indictment.

10 SECTION 4. Section 411.022, Government Code, is amended by
11 adding Subsection (c) to read as follows:

12 (c) An officer of the Texas Rangers has the authority to
13 investigate offenses against public administration prosecuted
14 under Subchapter B-1.

15 SECTION 5. (a) Not later than three months after the
16 effective date of this Act, the Department of Public Safety shall
17 establish the public integrity unit under Subchapter B-1, Chapter
18 411, Government Code, as added by this Act.

19 (b) Subchapter B-1, Chapter 411, Government Code, as added
20 by this Act, applies only to the investigation and prosecution of an
21 offense under Subchapter B-1, Chapter 411, Government Code,
22 committed on or after the date that the Department of Public Safety
23 establishes the public integrity unit. For purposes of this
24 subsection, an offense is committed if any element of the offense
25 occurs before the date described by this subsection.

26 (c) The prosecution of an offense committed before the date
27 described in Subsection (b) of this section is covered by the law in

1 effect when the offense was committed, and the former law is
2 continued in effect for that purpose.

3 SECTION 6. If any provision of this Act or its application
4 to any person or circumstance is held invalid, the invalidity does
5 not affect other provisions or applications of this Act that can be
6 given effect without the invalid provision or application, and to
7 this end the provisions of this Act are severable.

8 SECTION 7. This Act takes effect September 1, 2015.

President of the Senate

Speaker of the House

I certify that H.B. No. 1690 was passed by the House on April 21, 2015, by the following vote: Yeas 95, Nays 49, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 1690 on May 27, 2015, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 1690 on May 30, 2015, by the following vote: Yeas 96, Nays 51, 1 present, not voting.

Chief Clerk of the House

H.B. No. 1690

I certify that H.B. No. 1690 was passed by the Senate, with amendments, on May 25, 2015, by the following vote: Yeas 20, Nays 11; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 1690 on May 30, 2015, by the following vote: Yeas 20, Nays 11.

Secretary of the Senate

APPROVED: _____

Date

Governor