

By: King of Parker, Bonnen of Brazoria,
Davis of Harris, Sheets, Smithee, et al.

H.B. No. 1690

Substitute the following for H.B. No. 1690:

By: Larson

C.S.H.B. No. 1690

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the prosecution of offenses against public
3 administration, including ethics offenses.

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

5 SECTION 1. Chapter 41, Government Code, is amended by
6 adding Subchapter F to read as follows:

7 SUBCHAPTER F. PUBLIC INTEGRITY PROSECUTIONS

8 Sec. 41.351. DEFINITIONS. In this subchapter:

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

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

13 (3) "Public integrity prosecution" means the
14 prosecution of an offense against public administration under
15 Section 41.352.

16 Sec. 41.352. OFFENSES AGAINST PUBLIC ADMINISTRATION. For
17 purposes of this subchapter, the following are offenses against
18 public administration:

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

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

24 (3) an offense under Chapter 573 committed by a state

1 officer in connection with the powers and duties of the state
2 office; and

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

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

7 (B) an election on a proposed constitutional
8 amendment.

9 Sec. 41.353. INVESTIGATION OF PUBLIC INTEGRITY OFFENSES.

10 (a) The investigation of a formal or informal complaint alleging an
11 offense against public administration under this subchapter shall
12 be conducted by an officer of the Texas Rangers.

13 (b) If an investigation conducted by the Texas Rangers of a
14 complaint alleging an offense against public administration
15 demonstrates a reasonable suspicion that the offense alleged in the
16 complaint occurred, the officer of the Texas Rangers conducting the
17 investigation shall refer the complaint to the appropriate
18 prosecutor of the county in which venue is proper under Section
19 41.357.

20 Sec. 41.354. RECUSAL OF PROSECUTOR. (a) In this section,
21 "judges" means the presiding judges of the administrative judicial
22 regions.

23 (b) A prosecutor to whom a complaint has been referred under
24 Section 41.353(b) may request that the court with jurisdiction over
25 the complaint permit the prosecutor to be recused from the case for
26 good cause. If the court approves the request, the prosecutor shall
27 be considered disqualified.

1 (c) Following the recusal of a prosecutor under Subsection
2 (b), the judges shall select the prosecutor for prosecution of the
3 complaint by a majority vote. The prosecutor for an offense against
4 public administration must represent another county within the same
5 administrative judicial region as the county in which venue is
6 proper under Section 41.357.

7 (d) In selecting a prosecutor under this section, the judges
8 shall consider the proximity of the county or district represented
9 by the prosecutor to the county in which venue is proper under
10 Section 41.357.

11 (e) The prosecutor selected to prosecute the public
12 integrity offense under this section may pursue a waiver to extend
13 the statute of limitations for the offense only with the approval of
14 a majority of the judges.

15 Sec. 41.355. COOPERATION OF STATE AGENCIES AND LOCAL LAW
16 ENFORCEMENT AGENCIES. (a) To the extent allowed by law, a state
17 agency or local law enforcement agency shall cooperate with the
18 prosecutor of a public integrity prosecution by providing
19 information requested by the prosecutor as necessary to carry out
20 the purposes of this subchapter.

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

23 Sec. 41.356. CONFLICT OF INTEREST. (a) The Texas Rangers
24 may refer the investigation of a complaint alleging an offense
25 against public administration involving a person who is a member of
26 the executive branch to the local law enforcement agency that would
27 otherwise have authority to investigate the complaint, if a

1 conflict of interest arises from the conduct of an investigation by
2 the officers of the Texas Rangers.

3 (b) Local law enforcement must comply with all requirements
4 of this subchapter in conducting an investigation of a complaint
5 alleging an offense against public administration as provided by
6 this section.

7 Sec. 41.357. VENUE. (a) Notwithstanding Chapter 13, Code
8 of Criminal Procedure, or any other law, and except as provided by
9 Subsection (b), if the defendant is a natural person, venue for a
10 prosecution under this subchapter is the county in which the
11 defendant resides.

12 (b) If the defendant holds an office of the executive branch
13 subject to a residency requirement under Article IV, Texas
14 Constitution, venue for a prosecution under this subchapter is the
15 county in which the defendant resided at the time the defendant was
16 elected to that office or another office of the executive branch
17 subject to that requirement that the defendant held immediately
18 before being elected to the office being held by the defendant.

19 Sec. 41.358. PROSECUTION OF CERTAIN OFFENSES BY ATTORNEY
20 GENERAL. Nothing in this subchapter shall be construed as limiting
21 the authority of the attorney general to prosecute offenses under
22 Section 273.021, Election Code.

23 SECTION 2. 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

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1 facts to the appropriate prosecuting ~~Travis County district~~
2 attorney as provided under Section 41.353(b) under the seal of the
3 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 41.354(c), 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 3. 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 F, Chapter 41.

15 SECTION 4. Subchapter F, Chapter 41, Government Code, as
16 added by this Act, applies only to the prosecution of an offense
17 against public administration committed on or after September 1,
18 2015. For purposes of this section, an offense is committed before
19 September 1, 2015, if any element of the offense occurs before that
20 date.

21 SECTION 5. This Act takes effect September 1, 2015.