

1-1 By: King of Parker, et al. H.B. No. 1690
 1-2 (Senate Sponsor - Huffman)
 1-3 (In the Senate - Received from the House April 22, 2015;
 1-4 May 6, 2015, read first time and referred to Committee on State
 1-5 Affairs; May 24, 2015, reported adversely, with favorable
 1-6 Committee Substitute by the following vote: Yeas 7, Nays 2;
 1-7 May 24, 2015, sent to printer.)

1-8 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-9				
1-10	X			
1-11		X		
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18		X		

1-19 COMMITTEE SUBSTITUTE FOR H.B. No. 1690 By: Huffman

1-20 A BILL TO BE ENTITLED
 1-21 AN ACT

1-22 relating to the investigation and prosecution of offenses against
 1-23 public administration, including ethics offenses.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Chapter 411, Government Code, is amended by
 1-26 adding Subchapter B-1 to read as follows:

1-27 SUBCHAPTER B-1. PUBLIC INTEGRITY UNIT

1-28 Sec. 411.0251. DEFINITIONS. In this subchapter:

1-29 (1) "Offense" means a prohibited act for which state
 1-30 law imposes a criminal or civil penalty.

1-31 (2) "Prosecuting attorney" means a district attorney,
 1-32 criminal district attorney, or county attorney.

1-33 Sec. 411.0252. OFFENSES AGAINST PUBLIC ADMINISTRATION. For
 1-34 purposes of this subchapter, the following are offenses against
 1-35 public administration:

1-36 (1) an offense under Title 8, Penal Code, committed by
 1-37 a state officer or a state employee in connection with the powers
 1-38 and duties of the state office or state employment;

1-39 (2) an offense under Chapter 301, 302, 305, 571, 572,
 1-40 or 2004;

1-41 (3) an offense under Chapter 573 committed by a state
 1-42 officer in connection with the powers and duties of the state
 1-43 office; and

1-44 (4) an offense under Title 15, Election Code,
 1-45 committed in connection with:

1-46 (A) a campaign for or the holding of state
 1-47 office; or

1-48 (B) an election on a proposed constitutional
 1-49 amendment.

1-50 Sec. 411.0253. PUBLIC INTEGRITY UNIT. (a) The Texas
 1-51 Rangers division of the department shall establish and support a
 1-52 public integrity unit.

1-53 (b) On receiving a formal or informal complaint regarding an
 1-54 offense against public administration or on request of a
 1-55 prosecuting attorney or law enforcement agency, the public
 1-56 integrity unit may perform an initial investigation into whether a
 1-57 person has committed an offense against public administration.

1-58 (c) The Texas Rangers have authority to investigate an
 1-59 offense against public administration, any lesser included
 1-60 offense, and any other offense arising from conduct that

2-1 constitutes an offense against public administration.
2-2 (d) If an initial investigation by the public integrity unit
2-3 demonstrates a reasonable suspicion that an offense against public
2-4 administration occurred, the matter shall be referred to the
2-5 prosecuting attorney of the county in which venue is proper under
2-6 Section 411.0256 or Chapter 13, Code of Criminal Procedure, as
2-7 applicable.
2-8 (e) The public integrity unit shall, on request of the
2-9 prosecuting attorney described by Subsection (d), assist the
2-10 attorney in the investigation of an offense against public
2-11 administration.
2-12 Sec. 411.0254. NOTIFICATION REGARDING DISPOSITION OF CASE.
2-13 The prosecuting attorney shall notify the public integrity unit of:
2-14 (1) the termination of a case investigated by the
2-15 public integrity unit; or
2-16 (2) the results of the final disposition of a case
2-17 investigated by the public integrity unit, including the final
2-18 adjudication or entry of a plea.
2-19 Sec. 411.0255. RECUSAL OF PROSECUTING ATTORNEY; SELECTION
2-20 OF PROSECUTING ATTORNEY BY PRESIDING JUDGE OF ADMINISTRATIVE
2-21 JUDICIAL REGION. (a) A prosecuting attorney may request that the
2-22 presiding judge of the administrative judicial region containing
2-23 the county served by that attorney permit the attorney to recuse
2-24 himself or herself for good cause in a case investigated under this
2-25 subchapter, and on submitting the notice of recusal, the attorney
2-26 is disqualified.
2-27 (b) On recusal of a prosecuting attorney under Subsection
2-28 (a), the presiding judge of the administrative judicial region
2-29 containing the county served by that attorney shall appoint a
2-30 prosecuting attorney from another county in that administrative
2-31 judicial region. A prosecuting attorney appointed under this
2-32 subsection has the authority to represent the state in the
2-33 prosecution of the offense.
2-34 Sec. 411.0256. VENUE. Notwithstanding Chapter 13, Code of
2-35 Criminal Procedure, or other law, if the defendant is a natural
2-36 person, venue for prosecution of an offense against public
2-37 administration and lesser included offenses arising from the same
2-38 transaction is the county in which the defendant resides.
2-39 Sec. 411.0257. RESIDENCE. For the purposes of this
2-40 subchapter, a person resides in the county where that person:
2-41 (1) claims a residence homestead under Chapter 41,
2-42 Property Code, if that person is a member of the legislature;
2-43 (2) claimed to be a resident before being subject to
2-44 residency requirements under Article IV, Texas Constitution, if
2-45 that person is a member of the executive branch of this state;
2-46 (3) claims a residence homestead under Chapter 41,
2-47 Property Code, if that person is a justice on the supreme court or
2-48 judge on the court of criminal appeals; or
2-49 (4) otherwise claims residence if no other provision
2-50 of this section applies.
2-51 Sec. 411.0258. COOPERATION OF STATE AGENCIES AND LOCAL LAW
2-52 ENFORCEMENT AGENCIES. (a) To the extent allowed by law, a state
2-53 agency or local law enforcement agency shall cooperate with the
2-54 public integrity unit by providing resources and information
2-55 requested by the unit as necessary to carry out the purposes of this
2-56 subchapter.
2-57 (b) Information disclosed under this section is
2-58 confidential and not subject to disclosure under Chapter 552.
2-59 Sec. 411.0259. SUBPOENAS. (a) In connection with an
2-60 investigation of an alleged offense against public administration,
2-61 the public integrity unit may issue a subpoena to compel the
2-62 attendance of a relevant witness or the production, for inspection
2-63 or copying, of relevant evidence that is in this state.
2-64 (b) A subpoena may be served personally or by certified
2-65 mail.
2-66 (c) If a person fails to comply with a subpoena, the public
2-67 integrity unit, acting through the general counsel of the
2-68 department, may file suit to enforce the subpoena in a district
2-69 court in this state. On finding that good cause exists for issuing

3-1 the subpoena, the court shall order the person to comply with the
3-2 subpoena. The court may punish a person who fails to obey the court
3-3 order.

3-4 SECTION 2. Chapter 41, Government Code, is amended by
3-5 adding Subchapter F to read as follows:

3-6 SUBCHAPTER F. PAYMENTS FOR PUBLIC INTEGRITY PROSECUTIONS

3-7 Sec. 41.351. DEFINITIONS. In this subchapter:

3-8 (1) "Offense against public administration" means an
3-9 offense described by Section 411.0252.

3-10 (2) "Prosecuting attorney" means a county attorney,
3-11 district attorney, or criminal district attorney.

3-12 Sec. 41.352. PAYMENT FOR EXTRAORDINARY COSTS OF
3-13 PROSECUTION. The comptroller shall pay from funds appropriated to
3-14 the comptroller's judiciary section, from appropriations made
3-15 specifically for enforcement of this section, reasonable amounts
3-16 incurred by a prosecuting attorney for extraordinary costs of
3-17 prosecution of an offense against public administration.

3-18 SECTION 3. Sections 301.027(b) and (c), Government Code,
3-19 are amended to read as follows:

3-20 (b) If the president of the senate or speaker receives a
3-21 report or statement of facts as provided by Subsection (a), the
3-22 president of the senate or speaker shall certify the statement of
3-23 facts to the appropriate prosecuting [Travis County district]
3-24 attorney as provided under Section 411.0253(d) under the seal of
3-25 the senate or house of representatives, as appropriate.

3-26 (c) The prosecuting [Travis County district] attorney to
3-27 whom a statement of facts is certified under Subsection (a) or the
3-28 prosecutor selected under Section 411.0255, if applicable, shall
3-29 bring the matter before the grand jury for action. If the grand
3-30 jury returns an indictment, the prosecuting [district] attorney
3-31 shall prosecute the indictment.

3-32 SECTION 4. Section 411.022, Government Code, is amended by
3-33 adding Subsection (c) to read as follows:

3-34 (c) An officer of the Texas Rangers has the authority to
3-35 investigate offenses against public administration prosecuted
3-36 under Subchapter B-1.

3-37 SECTION 5. (a) Not later than three months after the
3-38 effective date of this Act, the Department of Public Safety shall
3-39 establish the public integrity unit under Subchapter B-1, Chapter
3-40 411, Government Code, as added by this Act.

3-41 (b) Subchapter B-1, Chapter 411, Government Code, as added
3-42 by this Act, applies only to the investigation and prosecution of an
3-43 offense under Subchapter B-1, Chapter 411, Government Code,
3-44 committed on or after the date that the Department of Public Safety
3-45 establishes the public integrity unit. For purposes of this
3-46 subsection, an offense is committed if any element of the offense
3-47 occurs before the date described by this subsection.

3-48 (c) The prosecution of an offense committed before the date
3-49 described in Subsection (b) of this section is covered by the law in
3-50 effect when the offense was committed, and the former law is
3-51 continued in effect for that purpose.

3-52 SECTION 6. This Act takes effect immediately if it receives
3-53 a vote of two-thirds of all the members elected to each house, as
3-54 provided by Section 39, Article III, Texas Constitution. If this
3-55 Act does not receive the vote necessary for immediate effect, this
3-56 Act takes effect September 1, 2015.

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