

1-1 By: Huffman S.B. No. 10  
 1-2 (In the Senate - Filed March 4, 2015; March 4, 2015, read  
 1-3 first time and referred to Committee on State Affairs;  
 1-4 March 18, 2015, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 7, Nays 2; March 18, 2015,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
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 COMMITTEE SUBSTITUTE FOR S.B. No. 10 By: Huffman

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to the investigation and prosecution of offenses against  
 1-22 public administration, including ethics offenses, and offenses  
 1-23 involving insurance fraud or the imposition of the motor fuels tax.

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

1-25 SECTION 1. Chapter 402, Government Code, is amended by  
 1-26 adding Subchapter D to read as follows:

1-27 SUBCHAPTER D. PUBLIC INTEGRITY UNIT

1-28 Sec. 402.101. 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) "Prosecute" means represent the state to impose a  
 1-32 criminal or civil penalty.

1-33 (3) "Prosecuting attorney" means a district attorney,  
 1-34 criminal district attorney, or county attorney.

1-35 Sec. 402.102. OFFENSES AGAINST PUBLIC ADMINISTRATION. For  
 1-36 purposes of this subchapter, the following are offenses against  
 1-37 public administration:

1-38 (1) an offense under Title 8, Penal Code, committed by  
 1-39 a state officer or a state employee in connection with the powers  
 1-40 and duties of the state office or state employment;

1-41 (2) an offense under Chapter 301, 302, 305, 571, 572,  
 1-42 or 2004;

1-43 (3) an offense under Chapter 573 committed by a state  
 1-44 officer in connection with the powers and duties of the state  
 1-45 office; and

1-46 (4) an offense under Title 15, Election Code,  
 1-47 committed in connection with:

1-48 (A) a campaign for or the holding of state  
 1-49 office; or

1-50 (B) an election on a proposed constitutional  
 1-51 amendment.

1-52 Sec. 402.103. OFFENSES INVOLVING INSURANCE FRAUD. For  
 1-53 purposes of this subchapter, the following are offenses involving  
 1-54 insurance fraud:

1-55 (1) an offense under Chapter 35, Penal Code, including  
 1-56 an offense under that chapter that involves workers' compensation  
 1-57 insurance under Title 5, Labor Code; or

1-58 (2) a fraudulent insurance act as defined by Section  
 1-59 701.001, Insurance Code, including an act that involves workers'  
 1-60 compensation insurance under Title 5, Labor Code.

2-1 Sec. 402.104. OFFENSES INVOLVING MOTOR FUELS TAX. For  
2-2 purposes of this subchapter, an offense involving motor fuels tax  
2-3 means a felony offense under Section 162.403, Tax Code.

2-4 Sec. 402.105. PUBLIC INTEGRITY UNIT. (a) The office of  
2-5 the attorney general shall establish and support a public integrity  
2-6 unit consisting of:

2-7 (1) the attorneys and staff employed by the attorney  
2-8 general to investigate and support prosecution of offenses  
2-9 described by this subchapter; and

2-10 (2) one commissioned officer of the Texas Rangers  
2-11 division of the Department of Public Safety, selected within the  
2-12 department, to assist with each investigation conducted by the  
2-13 attorney general and verify the resulting findings.

2-14 (b) The prosecuting attorney described by Section  
2-15 402.106(c) or 402.107(b) serves as part of the public integrity  
2-16 unit from the date a matter is referred to the attorney under  
2-17 Section 402.106(c) or the attorney is appointed under Section  
2-18 402.107(b) until:

2-19 (1) the date on which the investigation for an offense  
2-20 under this subchapter officially ceases; or

2-21 (2) the date on which any prosecution of an offense  
2-22 under this subchapter is fully adjudicated.

2-23 Sec. 402.106. INVESTIGATION AND PROSECUTION ASSISTANCE BY  
2-24 PUBLIC INTEGRITY UNIT. (a) On receiving a formal or informal  
2-25 complaint regarding an offense described by this subsection or on  
2-26 request of a prosecuting attorney, the public integrity unit may  
2-27 perform an initial investigation into whether a person has  
2-28 committed:

2-29 (1) an offense against public administration;

2-30 (2) an offense involving insurance fraud; or

2-31 (3) an offense involving motor fuels tax.

2-32 (b) The commissioned officer of the Texas Rangers division  
2-33 of the Department of Public Safety serving on the public integrity  
2-34 unit shall provide assistance for an initial investigation under  
2-35 Subsection (a) and verify the findings made by the unit.

2-36 (c) If an initial investigation by the public integrity unit  
2-37 demonstrates a reasonable suspicion that an offense described by  
2-38 Subsection (a) occurred, the matter shall be referred to the  
2-39 prosecuting attorney of the county in which venue is proper under  
2-40 Section 402.109 or Chapter 13, Code of Criminal Procedure, as  
2-41 applicable.

2-42 (d) The public integrity unit shall, on request of the  
2-43 prosecuting attorney described by Subsection (c), assist the  
2-44 attorney in the investigation and prosecution of an offense under  
2-45 this subchapter.

2-46 (e) If the public integrity unit is assisting in a  
2-47 prosecution as provided by Subsection (d):

2-48 (1) the public integrity unit may exercise the powers  
2-49 as necessary to accomplish the assistance; and

2-50 (2) the prosecuting attorney described by Subsection  
2-51 (c) retains the authority to represent the state in the district and  
2-52 inferior courts in the prosecution of the offense.

2-53 Sec. 402.107. RECUSAL OF PROSECUTING ATTORNEY; SELECTION OF  
2-54 PROSECUTING ATTORNEY BY PRESIDING JUDGE OF ADMINISTRATIVE JUDICIAL  
2-55 REGION. (a) A prosecuting attorney may request that the court  
2-56 permit the attorney to recuse himself or herself in a case for good  
2-57 cause, and on approval by the court, the attorney is disqualified.

2-58 (b) On recusal of a prosecuting attorney under Subsection  
2-59 (a), the presiding judge of the administrative judicial region  
2-60 containing the county served by that attorney shall appoint a  
2-61 prosecuting attorney from another county in that administrative  
2-62 judicial region.

2-63 Sec. 402.108. NOTIFICATION REGARDING DISPOSITION OF CASE.  
2-64 The prosecuting attorney shall notify the public integrity unit of:

2-65 (1) the termination of a case investigated by the  
2-66 public integrity unit for insufficient evidence; or

2-67 (2) the results of the final adjudication of a case  
2-68 investigated by the public integrity unit.

2-69 Sec. 402.109. VENUE. Notwithstanding Chapter 13, Code of

3-1 Criminal Procedure, or other law, if the defendant is a natural  
3-2 person, venue for prosecution of an offense under Section  
3-3 402.106(a)(1) is the county in which the defendant resides.

3-4 Sec. 402.110. RESIDENCE. For the purposes of this  
3-5 subchapter, a person resides in the county where that person:

3-6 (1) claims a residence homestead under Chapter 41,  
3-7 Property Code, if that person is a member of the legislature;

3-8 (2) claimed to be a resident before being subject to  
3-9 residency requirements under Article IV, Texas Constitution, if  
3-10 that person is a member of the executive branch of this state;

3-11 (3) claims a residence homestead under Chapter 41,  
3-12 Property Code, if that person is a justice on the supreme court or  
3-13 judge on the court of criminal appeals; or

3-14 (4) otherwise claims residence if no other provision  
3-15 of this section applies.

3-16 Sec. 402.111. COOPERATION OF STATE AGENCIES AND LOCAL LAW  
3-17 ENFORCEMENT AGENCIES. (a) To the extent allowed by law, a state  
3-18 agency or local law enforcement agency shall cooperate with the  
3-19 public integrity unit by providing information requested by the  
3-20 unit as necessary to carry out the purposes of this subchapter.

3-21 (b) Information disclosed under this section is  
3-22 confidential and not subject to disclosure under Chapter 552.

3-23 SECTION 2. Section 402.009, Government Code, is amended to  
3-24 read as follows:

3-25 Sec. 402.009. AUTHORITY TO EMPLOY AND COMMISSION PEACE  
3-26 OFFICERS. The attorney general may employ and commission peace  
3-27 officers as investigators for:

3-28 (1) the limited purpose of assisting the attorney  
3-29 general in carrying out the duties of that office relating to  
3-30 prosecution assistance and crime prevention; or

3-31 (2) the purpose of investigating offenses under  
3-32 Subchapter D.

3-33 SECTION 3. (a) Not later than three months after the  
3-34 effective date of this Act, the attorney general shall establish  
3-35 the public integrity unit under Subchapter D, Chapter 402,  
3-36 Government Code, as added by this Act.

3-37 (b) Subchapter D, Chapter 402, Government Code, as added by  
3-38 this Act, applies only to the prosecution of an offense under  
3-39 Subchapter D, Chapter 402, Government Code, committed on or after  
3-40 the date that the attorney general establishes the public integrity  
3-41 unit. For purposes of this subsection, an offense is committed if  
3-42 any element of the offense occurs before the date described by this  
3-43 subsection.

3-44 (c) The prosecution of an offense committed before the date  
3-45 described in Subsection (b) of this section is covered by the law in  
3-46 effect when the offense was committed, and the former law is  
3-47 continued in effect for that purpose.

3-48 SECTION 4. This Act takes effect immediately if it receives  
3-49 a vote of two-thirds of all the members elected to each house, as  
3-50 provided by Section 39, Article III, Texas Constitution. If this  
3-51 Act does not receive the vote necessary for immediate effect, this  
3-52 Act takes effect September 1, 2015.

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