

By: Phelan

H.B. No. 3402

A BILL TO BE ENTITLED

AN ACT

relating to changing the criminal offense of conspiracy to circumvent the open meetings law.

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

SECTION 1. Section 551.143(a), Government Code, is amended to read as follows:

Sec. 551.143. PROHIBITED SERIES OF COMMUNICATIONS [~~CONSPIRACY TO CIRCUMVENT CHAPTER~~]; OFFENSE; PENALTY. (a) A member [~~or group of members~~] of a governmental body commits an offense if:

(1) the member [~~or group of members~~] knowingly engages in at least one among a series of communications that each occur outside of an open meeting concerning any public business of the governmental body where individual communications are among fewer than a quorum of members; and [~~conspires to circumvent this chapter by meeting in numbers less than a quorum for the purpose of secret deliberations in violation of this chapter]~~

(2) the member knew at the time the member engaged in the series of communications that the series:

(A) involved or would involve a quorum and,
(B) would constitute a deliberation in violation of this chapter if the series of communications had occurred in a single instance among every member involved in the series.

SECTION 2. The change in law made by this Act applies only

1 to an offense committed on or after the effective date of this Act.
2 An offense committed before the effective date of this Act is
3 governed by the law in effect on the date the offense was committed,
4 and the former law is continued in effect for that purpose. For
5 purposes of this section, an offense was committed before the
6 effective date of this Act if any element of the offense occurred
7 before that date.

8 SECTION 3. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2019.