

1-1 By: Shine (Senate Sponsor - Buckingham) H.B. No. 3531  
1-2 (In the Senate - Received from the House May 6, 2019;  
1-3 May 10, 2019, read first time and referred to Committee on State  
1-4 Affairs; May 19, 2019, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;  
1-6 May 19, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Huffman	X		
1-10	Hughes	X		
1-11	Birdwell	X		
1-12	Creighton	X		
1-13	Fallon	X		
1-14	Hall	X		
1-15	Lucio	X		
1-16	Nelson	X		
1-17	Zaffirini	X		

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 3531 By: Hall

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

1-21 relating to the disqualification of a prosecuting attorney or judge  
1-22 in a case investigated by the public integrity unit of the Texas  
1-23 Rangers.

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

1-25 SECTION 1. The heading to Section 411.0255, Government  
1-26 Code, is amended to read as follows:

1-27 Sec. 411.0255. DISQUALIFICATION [RECURSAL] OF PROSECUTING  
1-28 ATTORNEY OR JUDGE; SELECTION OF PROSECUTING ATTORNEY BY PRESIDING  
1-29 JUDGE OF ADMINISTRATIVE JUDICIAL REGION.

1-30 SECTION 2. Section 411.0255, Government Code, is amended by  
1-31 amending Subsections (a) and (c) and adding Subsections (b-1),  
1-32 (b-2), (b-3), (b-4), and (c-1) to read as follows:

1-33 (a) In this section, "presiding judges" means the presiding  
1-34 judges of the administrative judicial regions.

1-35 (b-1) The judge of a court with jurisdiction over a  
1-36 complaint may request that the presiding judges permit the judge to  
1-37 recuse himself or herself for good cause in a case investigated  
1-38 under this subchapter, and on submitting the notice of recusal, the  
1-39 judge is disqualified.

1-40 (b-2) The public integrity unit shall inform the judge of  
1-41 the court with jurisdiction over a complaint if the prosecuting  
1-42 attorney is disqualified for purposes of Article 2.07, Code of  
1-43 Criminal Procedure, because the prosecuting attorney is the subject  
1-44 of a criminal investigation under this subchapter based on credible  
1-45 evidence of criminal misconduct. On showing that the prosecuting  
1-46 attorney is the subject of the investigation, the judge shall order  
1-47 the prosecuting attorney disqualified under Article 2.08, Code of  
1-48 Criminal Procedure.

1-49 (b-3) If the judge of the court with jurisdiction over a  
1-50 complaint described by Subsection (b-2) is also disqualified, the  
1-51 public integrity unit shall inform the presiding judges of the  
1-52 prosecuting attorney's disqualification under that subsection.

1-53 (b-4) The public integrity unit shall inform the presiding  
1-54 judges if a judge of a court with jurisdiction over a complaint is  
1-55 disqualified because the judge is the subject of a criminal  
1-56 investigation under this subchapter based on credible evidence of  
1-57 criminal misconduct. On showing that the judge is the subject of  
1-58 the investigation, the presiding judges shall order the judge  
1-59 disqualified. Disqualification under this subsection applies only  
1-60 to the judge's access to the criminal investigation pending against

2-1 the judge and to any prosecution of a criminal charge resulting from  
2-2 that investigation.

2-3 (c) Following the disqualification or recusal of a  
2-4 prosecuting attorney under this section [~~Subsection (b)~~], the  
2-5 presiding judges shall appoint a prosecuting attorney from another  
2-6 county in that administrative judicial region by majority vote. A  
2-7 prosecuting attorney selected under this subsection has the  
2-8 authority to represent the state in the prosecution of the offense.

2-9 (c-1) Following the disqualification of a judge of a court  
2-10 with jurisdiction over a complaint under this section, the  
2-11 presiding judges by majority vote shall appoint a judge from a  
2-12 county within the administrative judicial region. A judge selected  
2-13 under this subsection has jurisdiction over the complaint.

2-14 SECTION 3. The change in law made by this Act to Section  
2-15 [411.0255](#), Government Code, applies to a case investigated by the  
2-16 public integrity unit of the Texas Rangers initiated or pending  
2-17 before a court on or after the effective date of this Act.

2-18 SECTION 4. This Act takes effect immediately if it receives  
2-19 a vote of two-thirds of all the members elected to each house, as  
2-20 provided by Section [39](#), Article III, Texas Constitution. If this  
2-21 Act does not receive the vote necessary for immediate effect, this  
2-22 Act takes effect September 1, 2019.

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