




13 MAY 19 AM 8:30
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: _____ 

1 Amend C.S.S.B. No. 219 (house committee report) by adding the
2 following appropriately numbered ARTICLE to the bill and
3 renumbering subsequent ARTICLES and SECTIONS of the bill
4 accordingly:

5 ARTICLE _____. PROSECUTION BY ATTORNEY GENERAL OF ETHICS-RELATED
6 OFFENSES

7 SECTION _____.01. Effective January 1, 2014, Chapter 402,
8 Government Code, is amended by adding Subchapter D to read as
9 follows:

10 SUBCHAPTER D. PUBLIC INTEGRITY UNIT

11 Sec. 402.101. DEFINITIONS. In this subchapter:

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

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

16 (3) "Prosecuting attorney" means a district attorney,
17 criminal district attorney, or county attorney.

18 Sec. 402.102. OFFENSES AGAINST PUBLIC ADMINISTRATION. For
19 purposes of this subchapter, the following are offenses against
20 public administration:

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

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

26 (3) an offense under Chapter 573 committed by a state
27 officer in connection with the powers and duties of the state
28 office; and

29 (4) an offense under Title 15, Election Code,

1 committed in connection with:

2 (A) a campaign for or the holding of state
3 office; or

4 (B) an election on a proposed constitutional
5 amendment.

6 Sec. 402.103. OFFENSES INVOLVING INSURANCE FRAUD. For
7 purposes of this subchapter, the following are offenses involving
8 insurance fraud:

9 (1) an offense under Chapter 35, Penal Code, including
10 an offense under that chapter that involves workers' compensation
11 insurance under Title 5, Labor Code; or

12 (2) a fraudulent insurance act as defined by Section
13 701.001, Insurance Code, including an act that involves workers'
14 compensation insurance under Title 5, Labor Code.

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

18 Sec. 402.105. PUBLIC INTEGRITY UNIT. The public integrity
19 unit is in the office of the attorney general.

20 Sec. 402.106. INVESTIGATION AND PROSECUTION BY PUBLIC
21 INTEGRITY UNIT. (a) The public integrity unit has the authority to
22 investigate whether a person has committed:

23 (1) an offense against public administration;

24 (2) an offense involving insurance fraud; or

25 (3) an offense involving motor fuels tax.

26 (b) The public integrity unit may, on request of the
27 appropriate prosecuting attorney, assist in the prosecution of or
28 prosecute an offense under this section.

29 (c) If assisting in a prosecution as provided by Subsection
30 (b), the public integrity unit may exercise the powers as necessary
31 to accomplish the assistance, and the prosecuting attorney retains

1 the authority to represent the state in the district and inferior
2 courts in the prosecution of the offense.

3 (d) The authority of the public integrity unit to
4 investigate an offense under Subsection (a) does not preclude
5 another person from conducting any investigation as authorized or
6 required under other law.

7 Sec. 402.107. COOPERATION OF STATE AGENCIES AND LOCAL LAW
8 ENFORCEMENT AGENCIES. (a) To the extent allowed by law, a state
9 agency or local law enforcement agency shall cooperate with the
10 public integrity unit by providing information requested by the
11 unit as necessary to carry out the purposes of this subchapter.

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

14 Sec. 402.108. VENUE. Notwithstanding other law, venue for
15 prosecution of an offense against public administration, an
16 offense involving insurance fraud, or an offense involving motor
17 fuels tax is in the county in which the offense is committed.

18 SECTION ____ .02. Effective January 1, 2014, Sections
19 301.027(b) and (c), Government Code, are amended to read as
20 follows:

21 (b) If the president of the senate or speaker receives a
22 report or statement of facts as provided by Subsection (a), the
23 president of the senate or speaker shall certify the statement of
24 facts to the public integrity unit of the office of the attorney
25 general [~~Travis County district attorney~~] under the seal of the
26 senate or house of representatives, as appropriate. The public
27 integrity unit may conduct an investigation on receipt of the
28 statement of facts under this subsection.

29 (c) If after conducting an investigation under Subsection
30 (b) the public integrity unit accepts the statement of facts, the
31 unit may provide the results of the investigation to the [~~The Travis~~

1 ~~County]~~ district attorney or other prosecuting attorney of the
2 county in which the offense is committed, who shall bring the matter
3 before the grand jury for action. If the grand jury returns an
4 indictment, the prosecuting [~~district~~] attorney shall prosecute
5 the indictment or request that the attorney general prosecute the
6 indictment.

7 SECTION ____ .03. Effective January 1, 2014, Section 402.009,
8 Government Code, is amended to read as follows:

9 Sec. 402.009. AUTHORITY TO EMPLOY AND COMMISSION PEACE
10 OFFICERS. The attorney general may employ and commission peace
11 officers as investigators for:

12 (1) the limited purpose of assisting the attorney
13 general in carrying out the duties of that office relating to
14 prosecution assistance and crime prevention; or

15 (2) the purpose of investigating offenses against
16 public administration, offenses involving insurance fraud, and
17 offenses involving motor fuels tax prosecuted under Subchapter D.

18 SECTION ____ .04. (a) Not later than March 1, 2014, the
19 attorney general shall establish the public integrity unit under
20 Subchapter D, Chapter 402, Government Code, as added by this Act.

21 (b) Subchapter D, Chapter 402, Government Code, as added by
22 this Act, applies only to the prosecution of an offense against
23 public administration or an offense involving insurance fraud or
24 motor fuels tax committed on or after April 1, 2014. For purposes of
25 this section, an offense is committed before April 1, 2014, if any
26 element of the offense occurs before that date.

27 (c) The prosecution of an offense committed before April 1,
28 2014, is covered by the law in effect immediately before the
29 effective date of this Act, and the former law is continued in
30 effect for that purpose, except that a county attorney, district
31 attorney, or criminal district attorney may, on the request of the

1 attorney general, permit the public integrity unit established
2 under Subchapter D, Chapter 402, Government Code, as added by this
3 Act, to assume the prosecution of the offense.

4 (d) On January 1, 2014, appropriations made by the 83rd
5 Legislature to the Judiciary Section, Comptroller's Department,
6 for purposes of the Public Integrity Unit, Travis County, are
7 transferred to the office of the attorney general for purposes of
8 the Public Integrity Unit under Subchapter D, Chapter 402,
9 Government Code, as added by this Act.

