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S.B. No. 10

A BILL TO BE ENTITLED

AN ACT

relating to the investigation and prosecution of offenses against public administration, including ethics offenses.

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

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

SUBCHAPTER B-1. PUBLIC INTEGRITY UNIT

Sec. 411.0251. DEFINITIONS. In this subchapter:

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

(2) "Prosecuting attorney" means a district attorney, criminal district attorney, or county attorney.

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

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

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

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

(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. 411.0253. PUBLIC INTEGRITY UNIT. (a) The Texas
7 Rangers division of the department shall establish and support a
8 public integrity unit.

9 (b) On receiving a formal or informal complaint regarding an
10 offense against public administration or on request of a
11 prosecuting attorney or law enforcement agency, the public
12 integrity unit may perform an initial investigation into whether a
13 person has committed an offense against public administration.

14 (c) The Texas Rangers have authority to investigate an
15 offense against public administration, any lesser included
16 offense, and any other offense arising from conduct that
17 constitutes an offense against public administration.

18 (d) If an initial investigation by the public integrity unit
19 demonstrates a reasonable suspicion that an offense against public
20 administration occurred, the matter shall be referred to the
21 prosecuting attorney of the county in which venue is proper under
22 Section 411.0256 or Chapter 13, Code of Criminal Procedure, as
23 applicable.

24 (e) The public integrity unit shall, on request of the
25 prosecuting attorney described by Subsection (d), assist the
26 attorney in the investigation of an offense against public
27 administration.

1 Sec. 411.0254. NOTIFICATION REGARDING DISPOSITION OF CASE.

2 The prosecuting attorney shall notify the public integrity unit of:

3 (1) the termination of a case investigated by the
4 public integrity unit; or

5 (2) the results of the final disposition of a case
6 investigated by the public integrity unit, including the final
7 adjudication or entry of a plea.

8 Sec. 411.0255. RECUSAL OF PROSECUTING ATTORNEY; SELECTION
9 OF PROSECUTING ATTORNEY BY PRESIDING JUDGE OF ADMINISTRATIVE

10 JUDICIAL REGION. (a) A prosecuting attorney may request that the
11 presiding judge of the administrative judicial region containing
12 the county served by that attorney permit the attorney to recuse
13 himself or herself for good cause in a case investigated under this
14 subchapter, and on submitting the notice of recusal, the attorney
15 is disqualified.

16 (b) On recusal of a prosecuting attorney under Subsection
17 (a), the presiding judge of the administrative judicial region
18 containing the county served by that attorney shall appoint a
19 prosecuting attorney from another county in that administrative
20 judicial region. A prosecuting attorney appointed under this
21 subsection has the authority to represent the state in the
22 prosecution of the offense.

23 Sec. 411.0256. VENUE. Notwithstanding Chapter 13, Code of
24 Criminal Procedure, or other law, if the defendant is a natural
25 person, venue for prosecution of an offense against public
26 administration and lesser included offenses arising from the same
27 transaction is the county in which the defendant resides.

1 Sec. 411.0257. RESIDENCE. For the purposes of this
2 subchapter, a person resides in the county where that person:

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

5 (2) claimed to be a resident before being subject to
6 residency requirements under Article IV, Texas Constitution, if
7 that person is a member of the executive branch of this state;

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

11 (4) otherwise claims residence if no other provision
12 of this section applies.

13 Sec. 411.0258. COOPERATION OF STATE AGENCIES AND LOCAL LAW
14 ENFORCEMENT AGENCIES. (a) To the extent allowed by law, a state
15 agency or local law enforcement agency shall cooperate with the
16 public integrity unit by providing resources and information
17 requested by the unit as necessary to carry out the purposes of this
18 subchapter.

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

21 Sec. 411.0259. SUBPOENAS. (a) In connection with an
22 investigation of an alleged offense against public administration,
23 the public integrity unit may issue a subpoena to compel the
24 attendance of a relevant witness or the production, for inspection
25 or copying, of relevant evidence that is in this state.

26 (b) A subpoena may be served personally or by certified
27 mail.

1 (c) If a person fails to comply with a subpoena, the public
2 integrity unit, acting through the general counsel of the
3 department, may file suit to enforce the subpoena in a district
4 court in this state. On finding that good cause exists for issuing
5 the subpoena, the court shall order the person to comply with the
6 subpoena. The court may punish a person who fails to obey the court
7 order.

8 SECTION 2. Chapter 41, Government Code, is amended by
9 adding Subchapter F to read as follows:

10 SUBCHAPTER F. PAYMENTS FOR PUBLIC INTEGRITY PROSECUTIONS

11 Sec. 41.351. DEFINITIONS. In this subchapter:

12 (1) "Offense against public administration" means an
13 offense described by Section 411.0252.

14 (2) "Prosecuting attorney" means a county attorney,
15 district attorney, or criminal district attorney.

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

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

24 (b) If the president of the senate or speaker receives a
25 report or statement of facts as provided by Subsection (a), the
26 president of the senate or speaker shall certify the statement of
27 facts to the appropriate prosecuting [~~Travis County district~~]

1 attorney as provided under Section 411.0253(d) under the seal of
2 the senate or house of representatives, as appropriate.

3 (c) The prosecuting [~~Travis County district~~] attorney to
4 whom a statement of facts is certified under Subsection (a) or the
5 prosecutor selected under Section 411.0255, if applicable, shall
6 bring the matter before the grand jury for action. If the grand
7 jury returns an indictment, the prosecuting [~~district~~] attorney
8 shall prosecute the indictment.

9 SECTION 4. Section 411.022, Government Code, is amended by
10 adding Subsection (c) to read as follows:

11 (c) An officer of the Texas Rangers has the authority to
12 investigate offenses against public administration prosecuted
13 under Subchapter B-1.

14 SECTION 5. (a) Not later than three months after the
15 effective date of this Act, the Department of Public Safety shall
16 establish the public integrity unit under Subchapter B-1, Chapter
17 411, Government Code, as added by this Act.

18 (b) Subchapter B-1, Chapter 411, Government Code, as added
19 by this Act, applies only to the investigation and prosecution of an
20 offense under Subchapter B-1, Chapter 411, Government Code,
21 committed on or after the date that the Department of Public Safety
22 establishes the public integrity unit. For purposes of this
23 subsection, an offense is committed if any element of the offense
24 occurs before the date described by this subsection.

25 (c) The prosecution of an offense committed before the date
26 described in Subsection (b) of this section is covered by the law in
27 effect when the offense was committed, and the former law is

1 continued in effect for that purpose.

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