

1-1 By: Spiller (Senate Sponsor - Hughes) H.B. No. 5232  
 1-2 (In the Senate - Received from the House May 4, 2023;  
 1-3 May 5, 2023, read first time and referred to Committee on State  
 1-4 Affairs; May 10, 2023, reported favorably by the following vote:  
 1-5 Yeas 11, Nays 0; May 10, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
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	X			

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

1-21 relating to civil penalties imposed for violations of the Texas  
 1-22 Free Enterprise and Antitrust Act of 1983.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 15.20(a), Business & Commerce Code, is  
 1-25 amended to read as follows:

1-26 (a) Suit to Collect Civil Fine. The attorney general may  
 1-27 file suit in district court in Travis County or in any county in the  
 1-28 State of Texas in which any of the named defendants resides, does  
 1-29 business, or maintains its principal office on behalf of the State  
 1-30 of Texas to collect a civil fine from any person, other than a  
 1-31 municipal corporation, whom the attorney general believes has  
 1-32 violated any of the prohibitions in Subsection (a), (b), or (c) of  
 1-33 Section 15.05 of this Act. An individual or other [Every] person  
 1-34 adjudged to have violated any of these prohibitions shall pay a fine  
 1-35 to the state in an amount not to exceed:

1-36 (1) if an individual, \$300,000; or

1-37 (2) if any other person:

1-38 (A) \$3 million, if the lesser of the person's  
 1-39 assets or market capitalization is less than \$100 million;

1-40 (B) \$20 million, if the lesser of the person's  
 1-41 assets or market capitalization is at least \$100 million but less  
 1-42 than \$500 million; or

1-43 (C) \$30 million, if the lesser of the person's  
 1-44 assets or market capitalization is \$500 million or more [~~\$1 million~~  
 1-45 ~~if a corporation, or, if any other person, \$100,000].~~

1-46 SECTION 2. Section 15.20(a), Business & Commerce Code, as  
 1-47 amended by this Act, applies only to a suit filed on or after the  
 1-48 effective date of this Act. A suit filed before the effective date  
 1-49 of this Act is governed by the law in effect on the date the suit was  
 1-50 filed, and the former law is continued in effect for that purpose.

1-51 SECTION 3. This Act takes effect September 1, 2023.

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