

By: Ellis

S.B. No. 1084

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the attorney general to investigate and prosecute certain violations of law.

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

SECTION 1. Subchapter B, Chapter 402, Government Code, is amended by adding Section 402.031 to read as follows:

Sec. 402.031. PROSECUTION OF CERTAIN VIOLATIONS OF LAW.

(a) The attorney general may initiate an investigation or prosecution of a suspected violation of a statute, including a suspected criminal offense, relating to:

(1) consumer protection;

(2) insurance;

(3) fraud; or

(4) any part of the financial industry that may be regulated by an agency of this state.

(b) A county or district attorney may not prosecute an offense for which the attorney general has begun an official investigation or a prosecution. The attorney general may not prosecute an offense for which a county or district attorney having jurisdiction has begun an official investigation or a prosecution. Except as otherwise provided by this subsection, Subsection (a) does not limit the jurisdiction provided by law for a county or district attorney to investigate or prosecute an offense.

SECTION 2. Section 402.0231(b), Government Code, is amended

1 to read as follows:

2 (b) A corporate integrity unit is created within the office
3 of the attorney general to assist in the enforcement of the laws
4 relating to corporate fraud or other similar illegal activities.
5 The unit shall:

6 (1) assist [~~district attorneys and county attorneys~~]
7 in the investigation and prosecution of corporate fraud or other
8 similar illegal activities allegedly committed by corporations,
9 limited liability companies, and registered limited liability
10 partnerships;

11 (2) assist state agencies with investigation of
12 complaints and administrative enforcement actions for corporate
13 fraud violations, including the assessment of an administrative
14 penalty or other administrative sanction; and

15 (3) serve as a clearinghouse for information relating
16 to the investigation and prosecution of corporate fraud and other
17 similar illegal activities in this state.

18 SECTION 3. This Act takes effect on the date on which the
19 constitutional amendment proposed by the 79th Legislature, Regular
20 Session, 2005, authorizing the attorney general to prosecute
21 certain offenses takes effect. If that amendment is not approved by
22 the voters, this Act has no effect.