

By: Hartnett

H.B. No. 677

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to liability for a respondent's attorney's fees and costs  
3 incurred in defending against a sworn complaint filed with the  
4 Texas Ethics Commission.

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

6 SECTION 1. Subchapter E, Chapter 571, Government Code, is  
7 amended by adding Section 571.142 to read as follows:

8 Sec. 571.142. LIABILITY FOR RESPONDENT'S COSTS. (a) This  
9 section applies only to a sworn complaint if:

10 (1) the complaint was filed after the 60th day before  
11 the date of an election; and

12 (2) the respondent is:

13 (A) a candidate in the election;

14 (B) a specific-purpose committee, as defined by  
15 Section 251.001, Election Code, that supports only a candidate in  
16 the election; or

17 (C) the campaign treasurer of a committee  
18 described by Paragraph (B).

19 (b) If, in disposing of a sworn complaint to which this  
20 section applies, the commission determines that a violation within  
21 the commission's jurisdiction has not occurred, the complainant is  
22 liable for:

23 (1) the respondent's reasonable and necessary  
24 attorney's fees and other costs incurred in defending against the

1 complaint; and

2 (2) the respondent's reasonable and necessary  
3 attorney's fees and other costs incurred in recovering the amounts  
4 specified by Subdivision (1).

5 SECTION 2. Section 571.142, Government Code, as added by  
6 this Act, applies only to a sworn complaint filed with the Texas  
7 Ethics Commission on or after September 1, 2009.

8 SECTION 3. This Act takes effect September 1, 2009.