

Amend CSSB 1 by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Chapter 402, Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. PUBLIC INTEGRITY UNIT

Sec. 402.101. DEFINITIONS. In this subchapter:

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

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

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

Sec. 402.102. 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;

(4) an offense under Title 15, Election Code, committed in connection with:

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

(B) an election on a proposed constitutional amendment; and

(5) an offense involving compliance with the requirements relating to the imposition of the motor fuels tax imposed under Chapter 162, Tax Code, including an offense described by Section 162.403, Tax Code.

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

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

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

Sec. 402.104. PUBLIC INTEGRITY UNIT. The public integrity unit is in the office of the attorney general.

Sec. 402.105. PROSECUTION BY PUBLIC INTEGRITY UNIT. (a) In any district or county court of appropriate jurisdiction and venue, the public integrity unit has the authority to prosecute a person for:

(1) an offense against public administration; or

(2) an offense involving insurance fraud.

(b) The public integrity unit must assert the right to prosecute under this section in writing to the appropriate prosecuting attorney. On asserting the right to prosecute under this section:

(1) the unit has all the powers of the prosecuting attorney, including the power to represent the state before a grand jury; and

(2) the prosecuting attorney may not prosecute the same person for the same act.

Sec. 402.106. COOPERATION OF STATE AGENCIES AND LOCAL LAW ENFORCEMENT AGENCIES. (a) To the extent allowed by law, a state agency or local law enforcement agency shall cooperate with the public integrity unit by providing information requested by the unit as necessary to carry out the purposes of this subchapter.

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

Sec. 402.107. VENUE. Notwithstanding Chapter 13, Code of Criminal Procedure, or other law, if the defendant is a natural person, venue for a prosecution by the public integrity unit is in the county in which the defendant resides.

(b) Sections 301.027(b) and (c), Government Code, are amended to read as follows:

(b) If the president of the senate or speaker receives a

report or statement of facts as provided by Subsection (a), the president of the senate or speaker shall certify the statement of facts to the public integrity unit of the office of the attorney general [~~Travis County district attorney~~] under the seal of the senate or house of representatives, as appropriate.

(c) The public integrity unit [~~Travis County district attorney~~] shall bring the matter before the grand jury for action. If the grand jury returns an indictment, the public integrity unit [~~district attorney~~] shall prosecute the indictment.

(c) Section 402.009, Government Code, is amended to read as follows:

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

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

(2) the purpose of investigating offenses against public administration and offenses involving insurance fraud prosecuted under Subchapter D.

(d) Section 35.04, Penal Code, is amended to read as follows:

Sec. 35.04. JURISDICTION OF ATTORNEY GENERAL. As provided by Section 402.105, Government Code, the public integrity unit of the office of the attorney general shall prosecute [~~(a) The attorney general may offer to an attorney representing the state in the prosecution of~~] an offense under Section 35.02 [~~the investigative, technical, and litigation assistance of the attorney general's office~~].

~~[(b) The attorney general may prosecute or assist in the prosecution of an offense under Section 35.02 on the request of the attorney representing the state described by Subsection (a).]~~

(e) Not later than March 1, 2012, the attorney general shall establish the public integrity unit under Subchapter D, Chapter 402, Government Code, as added by this Act.

(f) Subchapter D, Chapter 402, Government Code, as added by this Act, applies only to the prosecution of an offense against

public administration or an offense involving insurance fraud committed on or after April 1, 2012. For purposes of this subsection, an offense is committed before April 1, 2012, if any element of the offense occurs before that date. The prosecution of an offense committed before April 1, 2012, is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose, except that a county attorney, district attorney, or criminal district attorney may, on the request of the attorney general, permit the public integrity unit established under Subchapter D, Chapter 402, Government Code, as added by this Act, to assume the prosecution of such an offense.

(g) Notwithstanding any other effective date provided by this Act, this section takes effect January 1, 2012, but only if the constitutional amendment proposed by the 82nd Legislature, Regular Session, 2011, giving the attorney general exclusive authority to prosecute offenses against public administration, including ethics offenses, and offenses involving insurance fraud takes effect. If that amendment is not approved by the voters, this section has no effect.