



13NOV 19 AM 8:31
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: _____ 

1 Amend C.S.S.B. No. 219 (house committee report) by adding the
2 following appropriately numbered ARTICLE to the bill and
3 renumbering subsequent ARTICLES and SECTIONS of the bill
4 accordingly:

5 ARTICLE _____. PROSECUTION BY ATTORNEY GENERAL OF ETHICS-RELATED
6 OFFENSES

7 SECTION _____.01. Effective January 1, 2014, Chapter 402,
8 Government Code, is amended by adding Subchapter D to read as
9 follows:

10 SUBCHAPTER D. PUBLIC INTEGRITY UNIT

11 Sec. 402.101. DEFINITIONS. In this subchapter:

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

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

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

18 Sec. 402.102. OFFENSES AGAINST PUBLIC ADMINISTRATION. For
19 purposes of this subchapter, the following are offenses against
20 public administration:

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

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

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

29 (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. 402.103. PUBLIC INTEGRITY UNIT. The public integrity
7 unit is in the office of the attorney general.

8 Sec. 402.104. INVESTIGATION AND PROSECUTION BY PUBLIC
9 INTEGRITY UNIT. (a) The public integrity unit has the authority to
10 investigate whether a person has committed an offense against
11 public administration.

12 (b) The public integrity unit may, on request of the
13 appropriate prosecuting attorney, assist in the prosecution of or
14 prosecute an offense under this section.

15 (c) If assisting in a prosecution as provided by Subsection
16 (b), the public integrity unit may exercise the powers as necessary
17 to accomplish the assistance, and the prosecuting attorney retains
18 the authority to represent the state in the district and inferior
19 courts in the prosecution of the offense.

20 (d) The authority of the public integrity unit to
21 investigate an offense under Subsection (a) does not preclude
22 another person from conducting any investigation as authorized or
23 required under other law.

24 Sec. 402.105. COOPERATION OF STATE AGENCIES AND LOCAL LAW
25 ENFORCEMENT AGENCIES. (a) To the extent allowed by law, a state
26 agency or local law enforcement agency shall cooperate with the
27 public integrity unit by providing information requested by the
28 unit as necessary to carry out the purposes of this subchapter.

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

31 Sec. 402.106. VENUE. Notwithstanding other law, venue for

1 prosecution of an offense against public administration is in the
2 county in which the offense is committed.

3 SECTION ____.02. Effective January 1, 2014, Sections
4 301.027(b) and (c), Government Code, are amended to read as
5 follows:

6 (b) If the president of the senate or speaker receives a
7 report or statement of facts as provided by Subsection (a), the
8 president of the senate or speaker shall certify the statement of
9 facts to the public integrity unit of the office of the attorney
10 general [~~Travis County district attorney~~] under the seal of the
11 senate or house of representatives, as appropriate. The public
12 integrity unit may conduct an investigation on receipt of the
13 statement of facts under this subsection.

14 (c) If after conducting an investigation under Subsection
15 (b) the public integrity unit accepts the statement of facts, the
16 unit may provide the results of the investigation to the [~~The Travis~~
17 ~~County~~] district attorney or other prosecuting attorney of the
18 county in which the offense is committed, who shall bring the matter
19 before the grand jury for action. If the grand jury returns an
20 indictment, the prosecuting [~~district~~] attorney shall prosecute
21 the indictment or request that the attorney general prosecute the
22 indictment.

23 SECTION ____.03. Effective January 1, 2014, Section 402.009,
24 Government Code, is amended to read as follows:

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

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

31 (2) the purpose of investigating offenses against

1 public administration prosecuted under Subchapter D.

2 SECTION ____ .04. (a) Not later than March 1, 2014, the
3 attorney general shall establish the public integrity unit under
4 Subchapter D, Chapter 402, Government Code, as added by this Act.

5 (b) Subchapter D, Chapter 402, Government Code, as added by
6 this Act, applies only to the prosecution of an offense against
7 public administration committed on or after April 1, 2014. For
8 purposes of this section, an offense is committed before April 1,
9 2014, if any element of the offense occurs before that date.

10 (c) The prosecution of an offense committed before April 1,
11 2014, is covered by the law in effect immediately before the
12 effective date of this Act, and the former law is continued in
13 effect for that purpose, except that a county attorney, district
14 attorney, or criminal district attorney may, on the request of the
15 attorney general, permit the public integrity unit established
16 under Subchapter D, Chapter 402, Government Code, as added by this
17 Act, to assume the prosecution of the offense.

18 (d) On January 1, 2014, appropriations made by the 83rd
19 Legislature to the Judiciary Section, Comptroller's Department,
20 for purposes of the Public Integrity Unit, Travis County, for
21 general state government investigations are transferred to the
22 office of the attorney general for purposes of the public integrity
23 unit under Subchapter D, Chapter 402, Government Code, as added by
24 this Act.