

By: King of Parker

H.B. No. 1690

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the prosecution of offenses against public
3 administration, including ethics offenses.

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

5 SECTION 1. Chapter 41, Government Code, is amended by
6 adding Subchapter F to read as follows:

7 SUBCHAPTER F. PUBLIC INTEGRITY PROSECUTIONS

8 Sec. 41.351. DEFINITIONS. In this subchapter:

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

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

13 Sec. 41.352. OFFENSES AGAINST PUBLIC ADMINISTRATION. For
14 purposes of this subchapter, the following are offenses against
15 public administration:

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

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

21 (3) an offense under Chapter 573 committed by a state
22 officer in connection with the powers and duties of the state
23 office; and

24 (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. 41.353. SPECIAL PROSECUTOR FOR PUBLIC INTEGRITY
7 OFFENSES. (a) The chief justice of the supreme court shall appoint
8 a special prosecutor for public integrity offenses.

9 (b) In any district or county court of appropriate
10 jurisdiction and venue, the special prosecutor for public integrity
11 offenses has the authority to prosecute a person for an offense
12 against public administration.

13 (c) The supreme court shall provide funds for use by the
14 special prosecutor for public integrity offenses to pay costs
15 incurred as a result of the prosecution of an offense under this
16 subchapter.

17 (d) The special prosecutor for public integrity offenses
18 serves for a two-year term.

19 (e) The supreme court may adopt rules governing the
20 operations of the special prosecutor for public integrity offenses.

21 Sec. 41.354. COOPERATION OF STATE AGENCIES AND LOCAL LAW
22 ENFORCEMENT AGENCIES. (a) To the extent allowed by law, a state
23 agency or local law enforcement agency shall cooperate with the
24 special prosecutor for public integrity offenses prosecuting an
25 offense against public administration by providing information
26 requested by the special prosecutor as necessary to carry out the
27 purposes of this subchapter.

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

3 Sec. 41.355. CONFLICT OF INTEREST. In the event of an
4 investigation of an offense against public administration
5 involving a person who is a member of the executive branch, the
6 special prosecutor for public integrity offenses may use
7 investigators other than officers of the Texas Rangers if the
8 special prosecutor believes that an investigation conducted by the
9 officers of the Texas Rangers would be a conflict of interest.

10 SECTION 2. Sections 301.027(b) and (c), Government Code,
11 are amended to read as follows:

12 (b) If the president of the senate or speaker receives a
13 report or statement of facts as provided by Subsection (a), the
14 president of the senate or speaker shall certify the statement of
15 facts to the special prosecutor for public integrity offenses under
16 Subchapter F, Chapter 41, [~~Travis County district attorney~~] under
17 the seal of the senate or house of representatives, as appropriate.

18 (c) The special prosecutor for public integrity offenses
19 [~~Travis County district attorney~~] shall bring the matter before the
20 grand jury for action. If the grand jury returns an indictment, the
21 special prosecutor [~~district attorney~~] shall prosecute the
22 indictment.

23 SECTION 3. Section 411.022, Government Code, is amended by
24 adding Subsection (c) to read as follows:

25 (c) An officer of the Texas Rangers has the authority to
26 investigate offenses against public administration prosecuted
27 under Subchapter F, Chapter 41.

1 SECTION 4. Subchapter F, Chapter 41, Government Code, as
2 added by this Act, applies only to the prosecution of an offense
3 against public administration committed on or after September 1,
4 2015. For purposes of this section, an offense is committed before
5 September 1, 2015, if any element of the offense occurs before that
6 date.

7 SECTION 5. This Act takes effect September 1, 2015.