

By: Elkins

H.B. No. 3997

A BILL TO BE ENTITLED

AN ACT

relating to prosecution of violations of the open meetings law and the open records law.

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

SECTION 1. Subchapter G, Chapter 551, Government Code, is amended by adding Section 551.147 to read as follows:

Sec. 551.147. PROSECUTION OF OPEN MEETING ACT VIOLATION.

An offense under this subchapter may be prosecuted by either the attorney general or by the district or county attorney for the county in which a governmental body other than a state agency is located. The attorney general may prosecute an offense under this subchapter only if the district or county attorney declines to prosecute.

SECTION 2. Sections 552.3215(e), (f), and (g), Government Code, are amended to read as follows:

(e) A complainant may file a complaint alleging a violation of this chapter. The complaint must be filed with either the attorney general or the district or county attorney of the county in which the governmental body is located unless the governmental body is the district or county attorney. If the governmental body extends into more than one county, the complaint must be filed with the attorney general or the district or county attorney of the county in which the administrative offices of the governmental body are located. If the governmental body is a state agency, the

1 complaint may be filed with the attorney general or the Travis
2 County district attorney. If the governmental body is the district
3 or county attorney, the complaint must be filed with the attorney
4 general. To be valid, a complaint must:

5 (1) be in writing and signed by the complainant;

6 (2) state the name of the governmental body that
7 allegedly committed the violation, as accurately as can be done by
8 the complainant;

9 (3) state the time and place of the alleged commission
10 of the violation, as definitely as can be done by the complainant;
11 and

12 (4) in general terms, describe the violation.

13 (f) The attorney general or the [A] district or county
14 attorney with whom the complaint is filed shall indicate on the face
15 of the written complaint the date the complaint is filed.

16 (g) Before the 31st day after the date a complaint is filed
17 under Subsection (e), the attorney general or the district or
18 county attorney shall:

19 (1) determine whether:

20 (A) the violation alleged in the complaint was
21 committed; and

22 (B) an action will be brought against the
23 governmental body under this section; and

24 (2) notify the complainant in writing of those
25 determinations.

26 SECTION 3. Subchapter I, Chapter 552, Government Code, is
27 amended by adding Section 552.354 to read as follows:

1 Sec. 552.354. PROSECUTION OF PUBLIC INFORMATION ACT
2 VIOLATIONS. An offense under this subchapter may be prosecuted by
3 either the attorney general or by the district or county attorney
4 for the county in which a governmental body other than a state
5 agency is located. The attorney general may prosecute an offense
6 under this subchapter only if the district or county attorney
7 declines to prosecute.

8 SECTION 4. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2015.