

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 22, 2015

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1690 by King, Phil (Relating to the prosecution of offenses against public administration, including ethics offenses.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code, to direct an officer of the Texas Rangers to conduct an investigation of a complaint alleging an offense against public administration, including ethics offenses, as defined in the bill. State agencies and local law enforcement would be required to assist in the investigation, as appropriate.

The bill would provide that state agencies specifically designated as responsible for investigating particular complaints, such as the auditor's office, would continue to investigate such offenses with assistance from the Texas Rangers. The bill would add referral procedures in the event the Department of Public Safety (DPS)/Texas Rangers would have a conflict of interest. The officer would refer alleged offenses by state officers or state employees appearing to rise to the level of criminal misconduct to the appropriate prosecutor of the county in which venue is proper, as defined by the bill. The bill would provide that venue for prosecution of a state employee who is not a state officer be within the county in which the offense against public administration is alleged to have occurred. The bill would require prosecutors to notify the Texas Rangers regarding status of referred cases.

The bill would include circumstances in which a local prosecutor can be recused. In the event a local prosecutor must be recused from a case, the presiding judges of the administrative judicial regions would select another prosecutor from within the same administrative judicial region. The bill would provide that investigations ongoing at the time of the effective date of the bill remain with the entity conducting the investigation, unless the entity consents to transfer the investigation to the Texas Rangers.

The District Attorney's Office of Travis County reports that in fiscal year 2013, out of 193 complaints received, 8 included allegations amounting to offenses against public administration as defined in the bill. Accordingly, in this analysis it is assumed an officer of the Texas Rangers who has the authority to investigate offenses against public administration under bill provisions would investigate an estimated 8 complaints each fiscal year. Some of these investigations may result in indictment. The Department of Public Safety indicates it could reasonably absorb any additional duties associated with bill provisions within existing resources.

The Office of Court Administration indicates bill provisions would not represent a significant fiscal implication to the statewide court system. From time to time, there would be costs for

services of an investigator other than an officer of the Texas Rangers, should that office have a conflict of interest.

The bill would take effect September 1, 2015.

Local Government Impact

The Office of Court Administration indicates that while there may be some costs for travel associated with appointed prosecutors in cases where the local prosecutor is recused, no significant fiscal implication to local courts is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405
Department of Public Safety, 356 Texas Ethics Commission

LBB Staff: UP, AG, MW, TB, FR, SD