

# SENATE AMENDMENTS

## 2<sup>nd</sup> Printing

By: King of Parker, Bonnen of Brazoria,  
Davis of Harris, Sheets, Smithee, et al.

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 (3) "Public integrity prosecution" means the  
14 prosecution of an offense against public administration under  
15 Section 41.352.

16 (4) "State agency" means a department, commission,  
17 board, office, council, authority, or other agency in the executive  
18 branch of state government that is created by the constitution or a  
19 statute of this state, including a university system or institution  
20 of higher education as defined by Section 61.003, Education Code.

21 (5) "State employee" means an individual, other than a  
22 state officer, who is employed by:

23 (A) a state agency;

24 (B) the Supreme Court of Texas, the Court of

1 Criminal Appeals of Texas, a court of appeals, or the Texas Judicial  
2 Council; or

3 (C) either house of the legislature or a  
4 legislative agency, council, or committee, including the  
5 Legislative Budget Board, the Texas Legislative Council, the State  
6 Auditor's Office, and the Legislative Reference Library.

7 (6) "State officer" means an elected officer, an  
8 appointed officer, a salaried appointed officer, an appointed  
9 officer of a major state agency, or the executive head of a state  
10 agency.

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

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

17 (2) an offense under Chapter 301, 302, 571, 572, or  
18 2004 committed by a state officer or a state employee in connection  
19 with the powers and duties of the state office or state employment  
20 or by a candidate for state office;

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,  
25 committed in connection with:

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

1           (B) an election on a proposed constitutional  
2 amendment.

3           Sec. 41.353. INVESTIGATION OF PUBLIC INTEGRITY OFFENSES.

4 (a) Unless another state agency is designated as having primary  
5 responsibility for an investigation of a complaint alleging an  
6 offense against public administration, an investigation of a formal  
7 or informal complaint alleging an offense against public  
8 administration under this subchapter shall be conducted by an  
9 officer of the Texas Rangers. If a state agency other than the Texas  
10 Rangers has primary responsibility for an investigation of a  
11 complaint alleging an offense against public administration, the  
12 Texas Rangers shall provide assistance if assistance is requested  
13 by that state agency.

14           (b) Nothing in this subchapter shall prevent the state  
15 auditor from conducting an investigation under Chapter 321,  
16 including an investigation of a formal or informal complaint  
17 alleging an offense against public administration.

18           (c) If an investigation conducted by the Texas Rangers of a  
19 complaint alleging an offense against public administration  
20 demonstrates a reasonable suspicion that the offense alleged in the  
21 complaint occurred, the officer of the Texas Rangers conducting the  
22 investigation shall refer the complaint to the appropriate  
23 prosecutor of the county in which venue is proper under Section  
24 41.357.

25           (d) Not later than the 90th day before the expiration of the  
26 statute of limitations for the prosecution of an offense against  
27 public administration alleged in a complaint referred by the Texas

1 Rangers under Subsection (c), the prosecutor to whom the complaint  
2 was referred shall notify the Texas Rangers of the status of the  
3 case. The Texas Rangers shall immediately notify the legislature  
4 if a prosecutor does not provide the status notification to the  
5 Texas Rangers within the time provided in this subsection.

6 Sec. 41.354. RECUSAL OF PROSECUTOR. (a) In this section,  
7 "judges" means the presiding judges of the administrative judicial  
8 regions.

9 (b) A prosecutor to whom a complaint has been referred under  
10 Section 41.353(c) or the defendant may request that the court with  
11 jurisdiction over the complaint order the prosecutor to be recused  
12 from the case for good cause. If the court approves the request, the  
13 prosecutor shall be considered disqualified.

14 (c) A prosecutor to whom a complaint has been referred under  
15 Section 41.353(c) and who has, either currently or in the past, a  
16 financial or other business relationship with the defendant must  
17 request that the court with jurisdiction over the complaint permit  
18 the prosecutor to be recused from the case for good cause. If the  
19 court approves the request, the prosecutor shall be considered  
20 disqualified.

21 (d) A prosecutor to whom a complaint has been referred under  
22 Section 41.353(c) shall disclose to the court if the prosecutor, in  
23 either a personal or professional capacity, has ever made a  
24 campaign contribution to or received a campaign contribution from  
25 the person against whom the complaint was made or a political  
26 committee organized for the benefit of the person against whom the  
27 complaint was made. The court shall consider a disclosure made

1 under this subsection in determining whether good cause exists for  
2 recusal.

3 (e) Following the recusal of a prosecutor under Subsection  
4 (b) or (c), the judges shall select the prosecutor for prosecution  
5 of the complaint by a majority vote. The prosecutor for an offense  
6 against public administration must represent another county within  
7 the same administrative judicial region as the county in which  
8 venue is proper under Section 41.357. A prosecutor may be selected  
9 under this section only with the prosecutor's consent to the  
10 appointment.

11 (f) In selecting a prosecutor under this section, the judges  
12 shall consider the proximity of the county or district represented  
13 by the prosecutor to the county in which venue is proper under  
14 Section 41.357.

15 (g) The prosecutor selected to prosecute the public  
16 integrity offense under this section may pursue a waiver to extend  
17 the statute of limitations by no more than two years. If the waiver  
18 adds less than two years to limitations, the prosecutor may pursue a  
19 successive waiver for good cause shown to the court, providing that  
20 the total time of all waivers does not exceed two years.

21 Sec. 41.355. 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 prosecutor of a public integrity prosecution by providing  
25 information requested by the prosecutor as necessary to carry out  
26 the purposes of this subchapter.

27 (b) Information disclosed under this section is

1 confidential and not subject to disclosure under Chapter 552.

2 Sec. 41.356. CONFLICT OF INTEREST. (a) The Texas Rangers  
3 may refer the investigation of a complaint alleging an offense  
4 against public administration involving a person who is a member of  
5 the executive branch to the local law enforcement agency that would  
6 otherwise have authority to investigate the complaint, if a  
7 conflict of interest arises from the conduct of an investigation by  
8 the officers of the Texas Rangers.

9 (b) If, in the course of conducting an investigation of a  
10 complaint, the Texas Rangers determine that an individual who is  
11 assigned to the security detail of a state official is a fact  
12 witness or has knowledge of the facts underlying the complaint, the  
13 Texas Rangers shall refer the investigation of the complaint to  
14 another law enforcement agency. The public safety director shall  
15 notify the chair of the Public Safety Commission of the referral of  
16 a complaint to another law enforcement agency within 24 hours after  
17 the referral is made.

18 (c) If a formal or informal complaint alleges that the  
19 public safety director or a deputy or assistant director of the  
20 Department of Public Safety has committed an offense against public  
21 administration, the Texas Rangers shall refer the investigation of  
22 the complaint to another law enforcement agency. The public safety  
23 director shall notify the chair of the Public Safety Commission of  
24 the referral of a complaint to another law enforcement agency  
25 within 24 hours after the referral is made.

26 (d) Local law enforcement must comply with all requirements  
27 of this subchapter in conducting an investigation of a complaint

1 alleging an offense against public administration as provided by  
2 this section.

3 Sec. 41.357. VENUE. (a) Notwithstanding Chapter 13, Code  
4 of Criminal Procedure, or any other law, and except as provided by  
5 Subsection (c) or (d), if the defendant is a state officer, venue  
6 for a prosecution under this subchapter is the county in which the  
7 defendant resided at the time the offense was committed.

8 (b) Notwithstanding any other law, if the defendant is a  
9 state employee who is not a state officer, venue for a prosecution  
10 under this subchapter is the county in which the conduct  
11 constituting the offense against public administration occurred.

12 (c) If the defendant holds an office of the executive branch  
13 subject to a residency requirement under Article IV, Texas  
14 Constitution, venue for a prosecution under this subchapter is the  
15 county in which the defendant resided at the time the defendant was  
16 elected to the term of that office during which the offense was  
17 committed.

18 (d) If a complaint alleging an offense against public  
19 administration under this subchapter alleges that an offense was  
20 committed by two or more defendants, venue for the prosecution of  
21 all defendants under this subchapter is any county in which the  
22 conduct constituting the offense against public administration  
23 occurred.

24 Sec. 41.358. PROSECUTION OF CERTAIN OFFENSES BY ATTORNEY  
25 GENERAL. Nothing in this subchapter shall be construed as limiting  
26 the authority of the attorney general to prosecute offenses under  
27 Section 273.021, Election Code.

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

3 (b) If the president of the senate or speaker receives a  
4 report or statement of facts as provided by Subsection (a), the  
5 president of the senate or speaker shall certify the statement of  
6 facts to the appropriate prosecuting [Travis County district]  
7 attorney as provided under Section 41.353(c) under the seal of the  
8 senate or house of representatives, as appropriate.

9 (c) The prosecuting [Travis County district] attorney to  
10 whom a statement of facts is certified under Subsection (a) or the  
11 prosecutor selected under Section 41.354(e), if applicable, shall  
12 bring the matter before the grand jury for action. If the grand  
13 jury returns an indictment, the prosecuting [district] attorney  
14 shall prosecute the indictment.

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

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

20 SECTION 4. Subchapter F, Chapter 41, Government Code, as  
21 added by this Act, applies only to the prosecution of an offense  
22 against public administration committed on or after September 1,  
23 2015. For purposes of this section, an offense is committed before  
24 September 1, 2015, if any element of the offense occurs before that  
25 date.

26 SECTION 5. The investigation of an offense against public  
27 administration that is classified as ongoing or pending on the

1 effective date of this Act shall remain with the entity that is  
2 conducting the investigation, unless the entity consents to  
3 transfer the investigation to the Texas Rangers.

4 SECTION 6. If any provision of this Act or its application  
5 to any person or circumstance is held invalid, the invalidity does  
6 not affect other provisions or applications of this Act that can be  
7 given effect without the invalid provision or application, and to  
8 this end the provisions of this Act are severable.

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

ADOPTED

MAY 25 2015

By: Huffman

*Katey Paul*  
Secretary of the Senate

H.B. No. 1690

Substitute the following for H.B. No. 1690:

By: *[Signature]*

C.S.H.B. No. 1690

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the investigation and prosecution of offenses  
3 against public administration, including ethics offenses.

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

5 SECTION 1. Chapter 411, Government Code, is amended by  
6 adding Subchapter B-1 to read as follows:

7 SUBCHAPTER B-1. PUBLIC INTEGRITY UNIT

8 Sec. 411.0251. DEFINITIONS. In this subchapter:

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

11 (2) "Prosecuting attorney" means a district attorney,  
12 criminal district attorney, or county attorney.

13 Sec. 411.0252. OFFENSES AGAINST PUBLIC ADMINISTRATION.

14 For purposes of this subchapter, the following are offenses  
15 against public administration:

16 (1) an offense under Title 8, Penal Code, committed  
17 by a state officer or a state employee in connection with the  
18 powers 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. 411.0253. PUBLIC INTEGRITY UNIT. (a) The Texas  
7 Rangers division of the department shall establish and support a  
8 public integrity unit.

9 (b) On receiving a formal or informal complaint regarding  
10 an offense against public administration or on request of a  
11 prosecuting attorney or law enforcement agency, the public  
12 integrity unit may perform an initial investigation into whether  
13 a person has committed an offense against public administration.

14 (c) The Texas Rangers have authority to investigate an  
15 offense against public administration, any lesser included  
16 offense, and any other offense arising from conduct that  
17 constitutes an offense against public administration.

18 (d) If an initial investigation by the public integrity  
19 unit demonstrates a reasonable suspicion that an offense against  
20 public administration occurred, the matter shall be referred to  
21 the prosecuting attorney of the county in which venue is proper  
22 under Section 411.0256 or Chapter 13, Code of Criminal  
23 Procedure, as applicable.

24 (e) The public integrity unit shall, on request of the  
25 prosecuting attorney described by Subsection (d), assist the  
26 attorney in the investigation of an offense against public  
27 administration.

1       Sec. 411.0254. NOTIFICATION REGARDING DISPOSITION OF CASE.

2       The prosecuting attorney shall notify the public integrity unit  
3       of:

4               (1) the termination of a case investigated by the  
5       public integrity unit; or

6               (2) the results of the final disposition of a case  
7       investigated by the public integrity unit, including the final  
8       adjudication or entry of a plea.

9       Sec. 411.0255. RECUSAL OF PROSECUTING ATTORNEY; SELECTION  
10       OF PROSECUTING ATTORNEY BY PRESIDING JUDGE OF ADMINISTRATIVE

11       JUDICIAL REGION. (a) A prosecuting attorney may request that  
12       the presiding judge of the administrative judicial region  
13       containing the county served by that attorney permit the  
14       attorney to recuse himself or herself for good cause in a case  
15       investigated under this subchapter, and on submitting the notice  
16       of recusal, the attorney is disqualified.

17               (b) On recusal of a prosecuting attorney under Subsection  
18       (a), the presiding judge of the administrative judicial region  
19       containing the county served by that attorney shall appoint a  
20       prosecuting attorney from another county in that administrative  
21       judicial region. A prosecuting attorney appointed under this  
22       subsection has the authority to represent the state in the  
23       prosecution of the offense.

24       Sec. 411.0256. VENUE. Notwithstanding Chapter 13, Code of  
25       Criminal Procedure, or other law, if the defendant is a natural  
26       person, venue for prosecution of an offense against public  
27       administration and lesser included offenses arising from the

1 same transaction is the county in which the defendant resides.

2 Sec. 411.0257. RESIDENCE. For the purposes of this  
3 subchapter, a person resides in the county where that person:

4 (1) claims a residence homestead under Chapter 41,  
5 Property Code, if that person is a member of the legislature;

6 (2) claimed to be a resident before being subject to  
7 residency requirements under Article IV, Texas Constitution, if  
8 that person is a member of the executive branch of this state;

9 (3) claims a residence homestead under Chapter 41,  
10 Property Code, if that person is a justice on the supreme court  
11 or judge on the court of criminal appeals; or

12 (4) otherwise claims residence if no other provision  
13 of this section applies.

14 Sec. 411.0258. COOPERATION OF STATE AGENCIES AND LOCAL LAW  
15 ENFORCEMENT AGENCIES. (a) To the extent allowed by law, a  
16 state agency or local law enforcement agency shall cooperate  
17 with the public integrity unit by providing resources and  
18 information requested by the unit as necessary to carry out the  
19 purposes of this subchapter.

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

22 Sec. 411.0259. SUBPOENAS. (a) In connection with an  
23 investigation of an alleged offense against public  
24 administration, the public integrity unit may issue a subpoena  
25 to compel the attendance of a relevant witness or the  
26 production, for inspection or copying, of relevant evidence that  
27 is in this state.

1       (b) A subpoena may be served personally or by certified  
2 mail.

3       (c) If a person fails to comply with a subpoena, the  
4 public integrity unit, acting through the general counsel of the  
5 department, may file suit to enforce the subpoena in a district  
6 court in this state. On finding that good cause exists for  
7 issuing the subpoena, the court shall order the person to comply  
8 with the subpoena. The court may punish a person who fails to  
9 obey the court order.

10       SECTION 2. Chapter 41, Government Code, is amended by  
11 adding Subchapter F to read as follows:

12       SUBCHAPTER F. PAYMENTS FOR PUBLIC INTEGRITY PROSECUTIONS

13       Sec. 41.351. DEFINITIONS. In this subchapter:

14           (1) "Offense against public administration" means an  
15 offense described by Section 411.0252.

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

18       Sec. 41.352. PAYMENT FOR EXTRAORDINARY COSTS OF  
19 PROSECUTION. The comptroller shall pay from funds appropriated  
20 to the comptroller's judiciary section, from appropriations made  
21 specifically for enforcement of this section, reasonable amounts  
22 incurred by a prosecuting attorney for extraordinary costs of  
23 prosecution of an offense against public administration.

24       SECTION 3. Sections 301.027(b) and (c), Government Code,  
25 are amended to read as follows:

26       (b) If the president of the senate or speaker receives a  
27 report or statement of facts as provided by Subsection (a), the

1 president of the senate or speaker shall certify the statement  
2 of facts to the appropriate prosecuting [Travis County district]  
3 attorney as provided under Section 411.0253(d) under the seal of  
4 the senate or house of representatives, as appropriate.

5 (c) The prosecuting [Travis County district] attorney to  
6 whom a statement of facts is certified under Subsection (a) or  
7 the prosecutor selected under Section 411.0255, if applicable,  
8 shall bring the matter before the grand jury for action. If the  
9 grand jury returns an indictment, the prosecuting [district]  
10 attorney shall prosecute the indictment.

11 SECTION 4. Section 411.022, Government Code, is amended by  
12 adding Subsection (c) to read as follows:

13 (c) An officer of the Texas Rangers has the authority to  
14 investigate offenses against public administration prosecuted  
15 under Subchapter B-1.

16 SECTION 5. (a) Not later than three months after the  
17 effective date of this Act, the Department of Public Safety  
18 shall establish the public integrity unit under Subchapter B-1,  
19 Chapter 411, Government Code, as added by this Act.

20 (b) Subchapter B-1, Chapter 411, Government Code, as added  
21 by this Act, applies only to the investigation and prosecution  
22 of an offense under Subchapter B-1, Chapter 411, Government  
23 Code, committed on or after the date that the Department of  
24 Public Safety establishes the public integrity unit. For  
25 purposes of this subsection, an offense is committed if any  
26 element of the offense occurs before the date described by this  
27 subsection.

1           (c) The prosecution of an offense committed before the  
2 date described in Subsection (b) of this section is covered by  
3 the law in effect when the offense was committed, and the former  
4 law is continued in effect for that purpose.

5           SECTION 6. This Act takes effect immediately if it  
6 receives a vote of two-thirds of all the members elected to each  
7 house, as provided by Section 39, Article III, Texas  
8 Constitution. If this Act does not receive the vote necessary  
9 for immediate effect, this Act takes effect September 1, 2015.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 26, 2015**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1690** by King, Phil (Relating to the investigation and prosecution of offenses against public administration, including ethics offenses.), **As Passed 2nd House**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
--

The bill would amend the Government Code to establish a Public Integrity Unit within the Texas Ranger Division of the Department of Public Safety (DPS). It is assumed the establishment of a Public Integrity Unit within the Texas Ranger Division would result in costs to DPS. However, the agency has indicated that while the bill would require additional investigative resources devoted to public corruption investigations, the Texas Ranger Division could absorb the additional workload within existing resources.

The bill would also direct the Comptroller to pay from appropriations made specifically for enforcement of public integrity prosecutions reasonable amounts incurred by a prosecuting attorney for extraordinary costs of prosecution of an offense against public administration. The Comptroller has indicated the costs to the state resulting from this requirement can not be determined.

**Local Government Impact**

It is assumed any costs associated with prosecutions resulting from the bill would be to some degree offset by the bill's requirement for the Comptroller to pay reasonable amounts incurred by a prosecuting attorney for extraordinary costs of prosecution of an offense against public administration.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 454 Department of Insurance

**LBB Staff:** UP, SD, AG, FR, AI, JAW

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 23, 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 investigation and prosecution of offenses against public administration, including ethics offenses.), **Committee Report 2nd House, Substituted**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
--

The bill would amend the Government Code to establish a Public Integrity Unit within the Texas Ranger Division of the Department of Public Safety (DPS). It is assumed the establishment of a Public Integrity Unit within the Texas Ranger Division would result in costs to DPS. However, the agency has indicated that while the bill would require additional investigative resources devoted to public corruption investigations, the Texas Ranger Division could absorb the additional workload within existing resources.

The bill would also direct the Comptroller to pay from appropriations made specifically for enforcement of public integrity prosecutions reasonable amounts incurred by a prosecuting attorney for extraordinary costs of prosecution of an offense against public administration. The Comptroller has indicated the costs to the state resulting from this requirement can not be determined.

**Local Government Impact**

It is assumed any costs associated with prosecutions resulting from the bill would be to some degree offset by the bill's requirement for the Comptroller to pay reasonable amounts incurred by a prosecuting attorney for extraordinary costs of prosecution of an offense against public administration.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 454 Department of Insurance

**LBB Staff:** UP, AG, FR, AI, JAW

**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**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
--

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

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**  
**Revision 2**

**April 17, 2015**

**TO:** Honorable John Kuempel, Chair, House Committee on General Investigating & Ethics

**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.), **Committee Report 1st House, Substituted**

**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. 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. In the event a local prosecutors 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. State agencies and local law enforcement would be required to assist in the investigation, as appropriate.

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, FR, MW, TB, SD

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**  
**Revision 1**

**April 16, 2015**

**TO:** Honorable John Kuempel, Chair, House Committee on General Investigating & Ethics

**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.), **Committee Report 1st House, Substituted**

**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. 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. In the event a local prosecutors 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. State agencies and local law enforcement would be required to assist in the investigation, as appropriate.

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, FR, MW, TB, SD

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**April 4, 2015**

**TO:** Honorable John Kuempel, Chair, House Committee on General Investigating & Ethics

**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.), **Committee Report 1st House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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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. 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. In the event a local prosecutors 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. State agencies and local law enforcement would be required to assist in the investigation, as appropriate.

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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, TB, FR, MW

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**  
**Revision 1**

**April 16, 2015**

**TO:** Honorable John Kuempel, Chair, House Committee on General Investigating & Ethics

**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 Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB1690, As Introduced: a negative impact of (\$393,720) through the biennium ending August 31, 2017.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	(\$199,760)
2017	(\$193,960)
2018	(\$193,960)
2019	(\$193,960)
2020	(\$193,960)

**All Funds, Five-Year Impact:**

Fiscal Year	Probable (Cost) from <i>General Revenue Fund</i> 1	Change in Number of State Employees from FY 2015
2016	(\$199,760)	2.0
2017	(\$193,960)	2.0
2018	(\$193,960)	2.0
2019	(\$193,960)	2.0
2020	(\$193,960)	2.0

**Fiscal Analysis**

The bill would amend the Government Code, to create a special prosecutor for offenses against public administration, including ethics offenses, as defined in the bill.

The special prosecutor could prosecute a person in any district or county court of appropriate jurisdiction and venue. The bill would provide that the Chief Justice of the Supreme Court of Texas appoint a special prosecutor who would be responsible for prosecuting these offenses, if any, over the course of the prosecutor's two-year term.

The bill would direct the Supreme Court of Texas to provide funds for use by the special prosecutor to pay costs incurred as a result of the prosecution of an offense under bill provisions. The bill would require state agencies and local law enforcement to cooperate with the special prosecutor to conduct the duties of that office.

The bill would provide that an officer of the Texas Rangers has the authority to investigate offenses against public administration prosecuted under the bill. Further, the special prosecutor could use investigators other than the Texas Rangers if the special prosecutor believes use of the Texas Rangers would result in a conflict of interest.

The bill would take effect September 1, 2015.

### **Methodology**

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. Assuming this complaint caseload would be ongoing, in this analysis, it is assumed that a special prosecutor appointed for a two-year term would serve part-time, but no more than 6 months out of each fiscal year at a cost of 80 percent of the pay of a district judge or professional prosecutor ( $80 \text{ percent} \times \$140,000 = \$112,000 / 2 = \$56,000$ ). This annual rate of \$56,000 would incur benefits costs of \$18,133 each fiscal year.

To assist the special prosecutor in the prosecutor's duties, this analysis also assumes a full-time case coordinator paid \$50,000 each fiscal year would be necessary to assist in preparing 8 complaints each fiscal year for investigation or prosecution. Related benefits for this position would total \$16,190 each fiscal year.

In the event the Department of Public Safety or local law enforcement would be unable to assist the special prosecutor due to a conflict of interest, this analysis assumes a part-time investigator paid \$60,000 may be needed for six months of each fiscal year ( $\$60,000 / 2 = \$30,000$ ). This annual rate would incur benefits costs of \$9,714 each fiscal year.

Together, these three positions would equate to 2.0 full-time-equivalency positions each fiscal year. Travel and other operating costs are assumed at \$13,923 each fiscal year. In fiscal year 2016, there would be \$5,800 in one-time costs related to providing the new FTEs with necessary equipment and supplies.

The Department of Public Safety indicates it could reasonably absorb any additional duties associated with bill provisions within existing resources.

### **Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

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

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

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**March 25, 2015**

**TO:** Honorable John Kuempel, Chair, House Committee on General Investigating & Ethics

**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 Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB1690, As Introduced: a negative impact of (\$393,720) through the biennium ending August 31, 2017.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	(\$199,760)
2017	(\$193,960)
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2019	(\$193,960)
2020	(\$193,960)

**All Funds, Five-Year Impact:**

Fiscal Year	Probable (Cost) from <i>General Revenue Fund</i> 1	Change in Number of State Employees from FY 2015
2016	(\$199,760)	2.0
2017	(\$193,960)	2.0
2018	(\$193,960)	2.0
2019	(\$193,960)	2.0
2020	(\$193,960)	2.0

**Fiscal Analysis**

The bill would amend the Government Code, to create a special prosecutor for offenses against public administration, including ethics offenses, as defined in the bill.

The special prosecutor could prosecute a person in any district or county court of appropriate

jurisdiction and venue. The bill would provide that the Chief Justice of the Supreme Court of Texas appoint a special prosecutor who would be responsible for prosecuting these offenses, if any, over the course of the prosecutor's two-year term.

The bill would direct the Supreme Court of Texas to provide funds for use by the special prosecutor to pay costs incurred as a result of the prosecution of an offense under bill provisions. The bill would require state agencies and local law enforcement to cooperate with the special prosecutor to conduct the duties of that office.

The bill would provide that an officer of the Texas Rangers has the authority to investigate offenses against public administration prosecuted under the bill. Further, the special prosecutor could use investigators other than the Texas Rangers if the special prosecutor believes use of the Texas Rangers would result in a conflict of interest.

The bill would take effect September 1, 2015.

### **Methodology**

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. Assuming this complaint caseload would be ongoing, in this analysis, it is assumed that a special prosecutor appointed for a two-year term would serve part-time, but no more than 6 months out of each fiscal year at a cost of 80 percent of the pay of a district judge or professional prosecutor (80 percent x \$140,000 = \$112,000/ 2 = \$56,000). This annual rate of \$56,000 would incur benefits costs of \$18,133 each fiscal year.

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The Department of Public Safety indicates it could reasonably absorb any additional duties associated with bill provisions within existing resources.

### **Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

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

**LBB Staff:** UP, FR, MW, TB

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**OPEN GOVERNMENT IMPACT STATEMENT**

**84TH LEGISLATIVE REGULAR SESSION**

**May 23, 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 investigation and prosecution of offenses against public administration, including ethics offenses.), **Committee Report 2nd House, Substituted**

As a result of this bill there will be a restriction upon the open records law and the access to government information.

The bill would exempt information provided by law enforcement to the public integrity unit from disclosure under Chapter 552, Government Code.

**Source Agencies:**

**LBB Staff:** UP, SD, KVe

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**OPEN GOVERNMENT IMPACT STATEMENT**

**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**

As a result of this bill there will be a restriction upon the open records law and the access to government information.

The bill would exempt certain information provided by a state agency or local law enforcement agency to the prosecutor of a public integrity prosecution from disclosure under Chapter 552, Government Code.

**Source Agencies:**

**LBB Staff:** UP, SD, KVe