

1-1 By: Oliveira (Senate Sponsor - Creighton) H.B. No. 2053
 1-2 (In the Senate - Received from the House April 24, 2017;
 1-3 May 1, 2017, read first time and referred to Committee on Business
 1-4 & Commerce; May 17, 2017, reported favorably by the following vote:
 1-5 Yeas 9, Nays 0; May 17, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the enforcement of workers' compensation compliance and
 1-20 practice requirements.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 414.005(a), Labor Code, is amended to
 1-23 read as follows:

1-24 (a) The division shall maintain an investigation unit to
 1-25 conduct investigations relating to:

1-26 (1) alleged violations of this subtitle, commissioner
 1-27 rules, or a commissioner order or decision, with particular
 1-28 emphasis on violations of Chapters 415 and 416; and

1-29 (2) alleged offenses under this subtitle, with
 1-30 particular emphasis on offenses under Chapter 418.

1-31 SECTION 2. Section 414.006, Labor Code, is amended to read
 1-32 as follows:

1-33 Sec. 414.006. REFERRAL TO OTHER AUTHORITIES. (a) For
 1-34 further investigation or the institution of appropriate
 1-35 proceedings, the division may refer the persons involved in a case
 1-36 subject to an investigation to other appropriate authorities,
 1-37 including licensing agencies, district and county attorneys, or the
 1-38 attorney general.

1-39 (b) The division may provide technical or litigation
 1-40 assistance regarding the investigation referred under Subsection
 1-41 (a) to the appropriate authority.

1-42 SECTION 3. The heading to Chapter 418, Labor Code, is
 1-43 amended to read as follows:

1-44 CHAPTER 418. CRIMINAL INVESTIGATIONS AND PENALTIES

1-45 SECTION 4. Section 418.001(b), Labor Code, is amended to
 1-46 read as follows:

1-47 (b) An offense under Subsection (a) is:

1-48 (1) a Class A misdemeanor if the value of the benefits
 1-49 is less than \$2,500 [~~\$1,500~~]; and

1-50 (2) a state jail felony if the value of the benefits is
 1-51 \$2,500 [~~\$1,500~~] or more.

1-52 SECTION 5. Section 418.002(b), Labor Code, is amended to
 1-53 read as follows:

1-54 (b) An offense under Subsection (a) is:

1-55 (1) a Class A misdemeanor if the amount of premium
 1-56 avoided is less than \$2,500 [~~\$1,500~~]; and

1-57 (2) a state jail felony if the amount of the premium
 1-58 avoided is \$2,500 [~~\$1,500~~] or more.

1-59 SECTION 6. Chapter 418, Labor Code, is amended by adding
 1-60 Section 418.004 to read as follows:

1-61 Sec. 418.004. SUBPOENA AUTHORITY. (a) The commissioner

2-1 may issue a subpoena to compel the attendance and testimony of a
2-2 witness or the production of materials relevant to an investigation
2-3 of an offense under this chapter.

2-4 (b) The commissioner may issue a subpoena under Subsection
2-5 (a) regarding a witness or materials located in this state or in
2-6 another state.

2-7 SECTION 7. Sections 418.001(b) and 418.002(b), Labor Code,
2-8 as amended by this Act, apply only to an offense committed on or
2-9 after September 1, 2017. An offense committed before September 1,
2-10 2017, is governed by the law in effect when the offense was
2-11 committed, and the former law is continued in effect for that
2-12 purpose. For purposes of this section, an offense was committed
2-13 before September 1, 2017, if any element of the offense occurred
2-14 before that date.

2-15 SECTION 8. Section 418.004, Labor Code, as added by this
2-16 Act, applies to a subpoena issued on or after the effective date of
2-17 this Act, regardless of whether the offense investigated was
2-18 committed before, on, or after that date.

2-19 SECTION 9. This Act takes effect immediately if it receives
2-20 a vote of two-thirds of all the members elected to each house, as
2-21 provided by Section 39, Article III, Texas Constitution. If this
2-22 Act does not receive the vote necessary for immediate effect, this
2-23 Act takes effect September 1, 2017.

2-24

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