

By: Creighton, Taylor of Galveston

S.B. No. 1306

A BILL TO BE ENTITLED

AN ACT

relating to the enforcement of workers' compensation compliance and practice requirements.

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

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

(a) The division shall maintain an investigation unit to conduct investigations relating to:

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

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

SECTION 2. Section 414.006, Labor Code, is amended to read as follows:

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

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

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

3 CHAPTER 418. CRIMINAL INVESTIGATIONS AND PENALTIES

4 SECTION 4. Section 418.001(b), Labor Code, is amended to
5 read as follows:

6 (b) An offense under Subsection (a) is:

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

9 (2) a state jail felony if the value of the benefits is
10 \$2,500 [~~\$1,500~~] or more.

11 SECTION 5. Section 418.002(b), Labor Code, is amended to
12 read as follows:

13 (b) An offense under Subsection (a) is:

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

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

18 SECTION 6. Chapter 418, Labor Code, is amended by adding
19 Section 418.004 to read as follows:

20 Sec. 418.004. SUBPOENA AUTHORITY. (a) The commissioner
21 may issue a subpoena to compel the attendance and testimony of a
22 witness or the production of materials relevant to an investigation
23 of an offense under this chapter.

24 (b) The commissioner may issue a subpoena under Subsection
25 (a) regarding a witness or materials located in this state or in
26 another state.

27 SECTION 7. Sections 418.001(b) and 418.002(b), Labor Code,

1 as amended by this Act, apply only to an offense committed on or
2 after September 1, 2017. An offense committed before September 1,
3 2017, is governed by the law in effect when the offense was
4 committed, and the former law is continued in effect for that
5 purpose. For purposes of this section, an offense was committed
6 before September 1, 2017, if any element of the offense occurred
7 before that date.

8 SECTION 8. Section 418.004, Labor Code, as added by this
9 Act, applies to a subpoena issued on or after the effective date of
10 this Act, regardless of whether the offense investigated was
11 committed before, on, or after that date.

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