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| BILL ANALYSIS |

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| S.B. 1640 |
| By: Watson |
| State Affairs |
| Committee Report (Unamended) |

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| **BACKGROUND AND PURPOSE** In light of a recent court of criminal appeals ruling that the Government Code offense of conspiracy to circumvent open meetings law, which seeks to prohibit what is commonly referred to as a "walking quorum," is unconstitutionally vague, it has been suggested that clarification, for enforcement purposes, is in order. S.B. 1640 seeks to provide that clarity. |
| **CRIMINAL JUSTICE IMPACT**It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision. |
| **RULEMAKING AUTHORITY** It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution. |
| **ANALYSIS** S.B. 1640 amends the Government Code to revise the conduct constituting the offense of conspiring to circumvent state open meetings law to make it an offense for a member of a governmental body to knowingly engage in at least one communication among a series of communications that each occur outside of an authorized open meeting concerning an issue within the jurisdiction of the governmental body in which individual communications constitute fewer than a quorum of members and that the member knew at the time involved or would involve a quorum and would constitute a deliberation once a quorum of members engaged in the series of communications. S.B. 1640 revises the conduct that constitutes deliberation to reflect a verbal or written exchange between a quorum of a governmental body, or between a quorum of a governmental body and another person, concerning an issue within the body's jurisdiction.  |
| **EFFECTIVE DATE** On passage, or, if the bill does not receive the necessary vote, September 1, 2019. |
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