86R388 ATP-D

By:  E. Johnson of Dallas H.B. No. 46

A BILL TO BE ENTITLED

AN ACT

relating to the dismissal of a sworn complaint made to the Texas Ethics Commission by a vexatious complainant.

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

SECTION 1.  Subchapter E, Chapter 571, Government Code, is amended by adding Section 571.1223 to read as follows:

Sec. 571.1223.  DISMISSAL OF COMPLAINT FILED BY VEXATIOUS COMPLAINANT. (a) At any stage of a proceeding under this subchapter, the commission shall dismiss a complaint if the commission determines that the complaint was filed by a vexatious complainant.

(b)  The commission may determine that an individual who files a sworn complaint is a vexatious complainant if the respondent shows that there is not a reasonable probability that the commission will determine that there is credible evidence for the commission to determine that a violation within the jurisdiction of the commission has occurred and that:

(1)  the complainant, in the seven-year period immediately preceding the date the complaint is made, has made at least five sworn complaints to the commission:

(A)  that have been dismissed;

(B)  for which it was finally determined that a violation within the jurisdiction of the commission has not occurred; or

(C)  for which it was finally determined that there is insufficient credible evidence to determine that a violation within the jurisdiction of the commission has occurred; or

(2)  after a complaint has been dismissed, the complainant repeatedly refiles sworn complaints based on the same particular occurrence.

SECTION 2.  This Act takes effect September 1, 2019.