

By: E. Johnson of Dallas

H.B. No. 46

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the dismissal of a sworn complaint made to the Texas
3 Ethics Commission by a vexatious complainant.

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

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

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

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

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

21 (A) that have been dismissed;

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

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

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

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