

By: Shine

H.B. No. 3531

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the disqualification of a prosecuting attorney or judge
3 in a case investigated by the public integrity unit of the Texas
4 Rangers.

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

6 SECTION 1. The heading to Section [411.0255](#), Government
7 Code, is amended to read as follows:

8 Sec. 411.0255. DISQUALIFICATION [~~RECUSAL~~] OF PROSECUTING
9 ATTORNEY OR JUDGE; SELECTION OF PROSECUTING ATTORNEY BY PRESIDING
10 JUDGE OF ADMINISTRATIVE JUDICIAL REGION.

11 SECTION 2. Section [411.0255](#), Government Code, is amended by
12 amending Subsections (a) and (c) and adding Subsections (b-1),
13 (b-2), (b-3), (b-4), and (c-1) to read as follows:

14 (a) In this section, "presiding judges" means the presiding
15 judges of the administrative judicial regions.

16 (b-1) The judge of a court with jurisdiction over a
17 complaint may request that the presiding judges permit the judge to
18 recuse himself or herself for good cause in a case investigated
19 under this subchapter, and on submitting the notice of recusal, the
20 judge is disqualified.

21 (b-2) The public integrity unit shall inform the judge of
22 the court with jurisdiction over a complaint if the prosecuting
23 attorney is disqualified for purposes of Article [2.07](#), Code of
24 Criminal Procedure, because the prosecuting attorney is the subject

1 of a criminal investigation under this subchapter based on credible
2 evidence of criminal misconduct. On showing that the prosecuting
3 attorney is the subject of the investigation, the judge shall order
4 the prosecuting attorney disqualified under Article 2.08, Code of
5 Criminal Procedure.

6 (b-3) If the judge of the court with jurisdiction over a
7 complaint described by Subsection (b-2) is also disqualified, the
8 public integrity unit shall inform the presiding judges of the
9 prosecuting attorney's disqualification under that subsection.

10 (b-4) The public integrity unit shall inform the presiding
11 judges if a judge of a court with jurisdiction over a complaint is
12 disqualified because the judge is the subject of a criminal
13 investigation under this subchapter based on credible evidence of
14 criminal misconduct. On showing that the judge is the subject of
15 the investigation, the presiding judges shall order the judge
16 disqualified. Disqualification under this subsection applies only
17 to the judge's access to the criminal investigation pending against
18 the judge and to any prosecution of a criminal charge resulting from
19 that investigation.

20 (c) Following the disqualification [~~recusal~~] of a
21 prosecuting attorney under this section [~~Subsection (b)~~], the
22 presiding judges shall appoint a prosecuting attorney from another
23 county in that administrative judicial region by majority vote. A
24 prosecuting attorney selected under this subsection has the
25 authority to represent the state in the prosecution of the offense.

26 (c-1) Following the disqualification of a judge of a court
27 with jurisdiction over a complaint under this section, the

1 presiding judges by majority vote shall appoint a judge from a
2 county within the administrative judicial region. A judge selected
3 under this subsection has jurisdiction over the complaint.

4 SECTION 3. The change in law made by this Act to Section
5 411.0255, Government Code, applies to a case investigated by the
6 public integrity unit of the Texas Rangers initiated or pending
7 before a court on or after the effective date of this Act.

8 SECTION 4. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2019.