

By: Menéndez

S.B. No. 2405

A BILL TO BE ENTITLED

AN ACT

relating to creating a criminal offense for the failure to procure goods or services from a community rehabilitation program.

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

SECTION 1. Chapter 122, Human Resources Code, is amended by adding Section 122.0165 to read as follows:

Sec. 122.0165. OFFENSE. (a) In this section:

(1) "State agency" has the meaning assigned by Section 2151.002, Government Code.

(2) "State employee" means a person who receives compensation for service performed, other than as an independent contractor, for a state agency.

(b) A state employee, while acting in an official capacity, commits an offense if:

(1) the state employee procures a product or service for the employing state agency from a vendor other than a community rehabilitation program;

(2) a suitable product or service that met the agency's specifications for the product or service procured under Subdivision (1) was available, within the time specified by the agency, for procurement from a community rehabilitation program on the date the procurement was made; and

(3) the procurement of the product or service from a community rehabilitation program is not exempted:

1                   (A) under Section 122.016; or  
2                   (B) because the product or service fails to meet  
3 a specification described by Section 2155.138(a)(3), Government  
4 Code.

5           (c) An offense under this section is a Class C misdemeanor.

6           (d) If it is shown on the trial of an offense under this  
7 section that the state employee was notified before the procurement  
8 of the product or service that procurement from a vendor other than  
9 a community rehabilitation program constitutes an offense under  
10 this section, then:

11                   (1) the state employee that procured the product or  
12 service is barred from further participation in procurement  
13 activities for any state agency for a period of one year from the  
14 date the judgment of conviction is entered; and

15                   (2) the state agency for which the procurement was  
16 made may not procure any further products or services under  
17 purchasing authority delegated by the comptroller for six months  
18 from the date the judgment of conviction is entered.

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