

SENATE AMENDMENTS

2nd Printing

By: Shine

H.B. No. 3531

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. The heading to Section 411.0255, Government Code, is amended to read as follows:

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

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

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

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

(b-2) The public integrity unit shall inform the judge of the court with jurisdiction over a complaint if the prosecuting attorney is disqualified for purposes of Article 2.07, Code of 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.

ADOPTED

MAY 22 2019

By: Buchanan

Leta Spaw
Secretary of the Senate

H.B. No. 3531

Substitute the following for ___B. No. _____:

By: Bob Hall

C.S. H.B. No. 3531

A BILL TO BE ENTITLED

AN ACT

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

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

(b-2) The public integrity unit shall inform the judge of the court with jurisdiction over a complaint if the prosecuting attorney is disqualified for purposes of Article 2.07, Code of 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 or 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.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 23, 2019

TO: Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB3531 by Shine (Relating to the disqualification of a prosecuting attorney or judge in a case investigated by the public integrity unit of the Texas Rangers.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

It is assumed that the provisions of the bill relating to disqualification of a prosecuting attorney or judge in a case investigated by the public integrity unit of the Texas Rangers could be absorbed using existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405
 Department of Public Safety

LBB Staff: WP, SD, CMa, AI, SMi

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 18, 2019

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB3531 by Shine (relating to the disqualification of a prosecuting attorney or judge in a case investigated by the public integrity unit of the Texas Rangers.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

It is assumed that the provisions of the bill relating to disqualification of a prosecuting attorney or judge in a case investigated by the public integrity unit of the Texas Rangers could be absorbed using existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405
 Department of Public Safety

LBB Staff: WP, CMa, AI, SMi

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 16, 2019

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB3531 by Shine (Relating to the disqualification of a prosecuting attorney or judge in a case investigated by the public integrity unit of the Texas Rangers.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

It is assumed that the provisions of the bill relating to disqualification of a prosecuting attorney or judge in a case investigated by the public integrity unit of the Texas Rangers could be absorbed using existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405
 Department of Public Safety

LBB Staff: WP, CMa, AI, SMi

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 7, 2019

TO: Honorable Dade Phelan, Chair, House Committee on State Affairs

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB3531 by Shine (Relating to the disqualification of a prosecuting attorney or judge in a case investigated by the public integrity unit of the Texas Rangers.), **As Introduced**

No significant fiscal implication to the State is anticipated.

It is assumed that the provisions of the bill relating to disqualification of a prosecuting attorney or judge in a case investigated by the public integrity unit of the Texas Rangers could be absorbed using existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405
 Department of Public Safety

LBB Staff: WP, CMa, AI, SMi