

House Bill 3531
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

Sec. 411.0255. DISQUALIFICATION [RECURSAL] 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 of a criminal investigation under this subchapter based on credible evidence of criminal misconduct. On showing that the prosecuting attorney is the subject of the investigation, the judge shall order the prosecuting attorney disqualified under Article 2.08, Code of Criminal Procedure.

(b-3) If the judge of the court with jurisdiction over a complaint described by Subsection (b-2) is also disqualified, the public integrity unit shall inform the presiding judges of

SENATE VERSION (CS)

SECTION 1. Same as House version.

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

(b-3) If the judge of the court with jurisdiction over a complaint described by Subsection (b-2) is also disqualified, the public integrity unit shall inform the presiding judges of

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the prosecuting attorney's disqualification under that subsection.

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

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

(c-1) Following the disqualification of a judge of a court with jurisdiction over a complaint under this section, the presiding judges by majority vote shall appoint a judge from a county within the administrative judicial region. A judge selected under this subsection has jurisdiction over the complaint.

SECTION 3. The change in law made by this Act to Section 411.0255, Government Code, applies to a case investigated by the public integrity unit of the Texas Rangers initiated or

SENATE VERSION (CS)

the prosecuting attorney's disqualification under that subsection.

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

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

(c-1) Following the disqualification of a judge of a court with jurisdiction over a complaint under this section, the presiding judges by majority vote shall appoint a judge from a county within the administrative judicial region. A judge selected under this subsection has jurisdiction over the complaint.

SECTION 3. Same as House version.

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pending before a court on or after the effective date of this Act.

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

SENATE VERSION (CS)

SECTION 4. Same as House version.

CONFERENCE