

Suspending limitations on conference committee
jurisdiction, H.B. No. 17 (Cook/Huffman)

By: Cook

H.R. No. 2440

R E S O L U T I O N

1 BE IT RESOLVED by the House of Representatives of the State of
2 Texas, 88th Legislature, Regular Session, 2023, That House Rule 13,
3 Section 9(a), be suspended in part as provided by House Rule 13,
4 Section 9(f), to enable the conference committee appointed to
5 resolve the differences on House Bill 17 (official misconduct by
6 and removal of prosecuting attorneys) to consider and take action
7 on the following matters:

8 (1) House Rule 13, Section 9(a)(4), is suspended to permit
9 the committee to add text on a matter not included in either the
10 house or senate version of the bill in proposed SECTION 1 of the
11 bill, by adding to the definition of "official misconduct" in added
12 Sections 87.011(3)(B) and (C), Local Government Code, a prosecuting
13 attorney's adoption or enforcement of a policy instructing "law
14 enforcement to refuse to arrest individuals suspected of committing
15 a class or type of offense under state law".

16 Explanation: The change is necessary to ensure that a
17 prosecuting attorney may not avoid committing official misconduct,
18 as defined and amended by the bill, by instructing law enforcement
19 to refuse to arrest individuals whom the attorney is prohibited
20 from refusing to prosecute.

21 (2) House Rule 13, Section 9(a)(4), is suspended to permit
22 the committee to add text on a matter not included in either the
23 house or senate version of the bill by adding the following new
24 SECTION to the bill:

1 SECTION 2. Subchapter B, Chapter 87, Local Government Code,
2 is amended by adding Section 87.0131 to read as follows:

3 Sec. 87.0131. DEFENSE IN CERTAIN CASES. It is a defense in
4 an action alleging a prosecuting attorney committed official
5 misconduct described by Section 87.011(3)(C) that the prosecuting
6 attorney took action immediately on discovering an attorney
7 employed by or otherwise under the direction or control of the
8 prosecuting attorney was acting as described by Section
9 87.011(3)(C).

10 Explanation: The change is necessary to provide a defense in
11 a removal action alleging certain official misconduct committed by
12 a prosecuting attorney, if the attorney took immediate action on
13 discovering the misconduct was occurring.