

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

By: Huffman

S.R. No. 705

SENATE RESOLUTION

BE IT RESOLVED by the Senate of the State of Texas, 88th Legislature, Regular Session, 2023, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on House Bill 17 (official misconduct by and removal of prosecuting attorneys) to consider and take action on the following matters:

(1) Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in proposed SECTION 1 of the bill, by adding to the definition of "official misconduct" in added Sections 87.011(3)(B) and (C), Local Government Code, a prosecuting attorney's adoption or enforcement of a policy instructing "law enforcement to refuse to arrest individuals suspected of committing a class or type of offense under state law".

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

(2) Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding the following new SECTION to the bill:

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

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

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

President of the Senate

I hereby certify that the above Resolution was adopted by the Senate on May 28, 2023, by the following vote: Yeas 20, Nays 11.

Secretary of the Senate