

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

By: Huffman

S.R. No. 705

R E S O L U T I O N

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

7 (1) Senate Rule 12.03(4) is suspended to permit the  
8 committee to add text on a matter not included in either the house  
9 or senate version of the bill in proposed SECTION 1 of the bill, by  
10 adding to the definition of "official misconduct" in added Sections  
11 [87.011\(3\)\(B\)](#) and (C), Local Government Code, a prosecuting  
12 attorney's adoption or enforcement of a policy instructing "law  
13 enforcement to refuse to arrest individuals suspected of committing  
14 a class or type of offense under state law".

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

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

24 SECTION 2. Subchapter [B](#), Chapter [87](#), Local Government Code,

1 is amended by adding Section 87.0131 to read as follows:

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

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