

All Published Pre-filed Amendments for HB 18

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Barcode

Amendment

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HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: Shakeen

1 Amend H.B. No. 18 (house committee report) by striking all
2 below the enacting clause and substituting the following:

3 SECTION 1. Chapter 301, Government Code, is amended by
4 adding Subchapter G to read as follows:

5 SUBCHAPTER G. PROHIBITED ACTIONS DURING IMPEDING ABSENCE

6 Sec. 301.101. DEFINITIONS. In this subchapter:

7 (1) "Impeding absence" means an unexcused absence by a
8 member of either house of the legislature during a legislative
9 session in which the member is at a location outside of this state
10 for purposes of impeding the actions of the member's house if:

11 (A) the member's house has:

12 (i) compelled the attendance of absent
13 members under Section 10, Article III, Texas Constitution;

14 (ii) ordered the house's sergeant-at-arms
15 to arrest absent members; and

16 (iii) issued civil warrants of arrest for
17 the absent members;

18 (B) the member has not:

19 (i) been granted a leave of absence by the
20 member's house; or

21 (ii) returned to the member's house; and

22 (C) the member:

23 (i) is not physically present in this
24 state; and

25 (ii) has indicated by word or deed that the
26 member is not present in this state.

27 (2) "Political contribution," "political
28 expenditure," and "specific-purpose committee" have the meanings
29 assigned by Section 251.001, Election Code.

1 Sec. 301.102. EXERCISE OF RULEMAKING POWER. This
2 subchapter is enacted by the legislature as an exercise of the
3 rulemaking power granted to each house of the legislature under
4 Sections 10 and 11, Article III, Texas Constitution.

5 Sec. 301.103. PROHIBITED ACCEPTANCE OF POLITICAL
6 CONTRIBUTIONS AND MAKING OF POLITICAL EXPENDITURES.
7 Notwithstanding any other law, a member of the legislature or a
8 specific-purpose committee supporting or assisting the member
9 during an impending absence may not knowingly:

10 (1) accept political contributions, and shall refuse
11 any political contributions received, that in the aggregate from a
12 single person exceed the per diem set by the Texas Ethics Commission
13 for each day of a regular or special legislative session under
14 Section 24a(e), Article III, Texas Constitution; or

15 (2) make a political expenditure for travel, food, or
16 lodging expenses in connection with the member's impending absence.

17 Sec. 301.104. REQUIRED RETURN OF PROHIBITED POLITICAL
18 CONTRIBUTIONS. (a) A member of the legislature or a
19 specific-purpose committee supporting or assisting the member that
20 receives and refuses a political contribution or contributions in
21 violation of this subchapter during the member's impending absence
22 shall return the contribution or contributions to the contributor
23 not later than the fifth day after the date of receipt.

24 (b) A political contribution made by United States mail or
25 by common or contract carrier is not considered received during an
26 impending absence if the contribution was properly addressed and
27 placed with postage or carrier charges prepaid or prearranged in
28 the mail or delivered to the contract carrier before the beginning
29 of the absence. The date indicated by the post office cancellation
30 mark or the common or contract carrier documents is considered to be
31 the date the contribution was placed in the mail or delivered to the

1 common or contract carrier unless proven otherwise.

2 Sec. 301.105. CIVIL PENALTY. In accordance with the
3 procedure provided by this subchapter, a person who accepts a
4 political contribution or makes a political expenditure in
5 violation of this subchapter is subject to a civil penalty in an
6 amount not to exceed \$5,000. For purposes of this section, each
7 contribution accepted and each expenditure made in violation of
8 this subchapter is a separate violation.

9 Sec. 301.106. CIVIL PENALTY: STATEMENT OF FACTS TO
10 PRESIDING OFFICER OF APPLICABLE LEGISLATIVE CHAMBER; CERTIFICATION
11 TO DISTRICT COURT. (a) If a person accepts a political
12 contribution or makes a political expenditure in violation of this
13 subchapter, a statement of facts that, if true, makes a prima facie
14 showing that a violation of this subchapter likely occurred may be
15 reported to and filed with the president of the senate or speaker of
16 the house of representatives by any member of the same house of the
17 legislature as the absent member.

18 (b) If the president of the senate or speaker of the house of
19 representatives receives a statement of facts described by
20 Subsection (a), the president or speaker shall certify the
21 statement of facts under the seal of the senate or house of
22 representatives, as appropriate, to the district court for the
23 county in which the person resided at the time of the violation.
24 The person's residence is determined in accordance with Section
25 15.002, Civil Practice and Remedies Code, except that if a person is
26 a member of the legislature, that person's residence is determined
27 based on the county in which the person claims a residence homestead
28 under Chapter 41, Property Code.

29 Sec. 301.107. CIVIL PENALTY: DISTRICT COURT DUTIES. (a)
30 The district court to which a statement of facts is certified under
31 Section 301.106(b) shall, not later than 72 hours after the court

1 receives the statement and without any intervention, pleading, or
2 motion, enter an order that:

3 (1) provides a person who is the subject of the
4 statement notice of the allegations; and

5 (2) directs the person to show cause why the conduct in
6 which the person is alleged to have engaged does not constitute a
7 violation of this subchapter.

8 (b) After a hearing at which the house of the legislature
9 that originated a statement of facts certified under Section
10 301.106(b) and the person who is the subject of the statement are
11 heard, the district court shall:

12 (1) determine whether the person accepted a political
13 contribution or made a political expenditure in violation of this
14 subchapter; and

15 (2) if the court determines that a violation occurred,
16 impose a civil penalty under Section 301.105.

17 Sec. 301.108. CIVIL PENALTY: APPEAL AND PROHIBITED
18 CONTINUANCE. (a) The Fifteenth Court of Appeals has exclusive
19 intermediate appellate jurisdiction over a matter arising out of or
20 related to a proceeding under this subchapter.

21 (b) Section 30.003, Civil Practice and Remedies Code, does
22 not apply to a proceeding under this subchapter.

23 SECTION 2. Subchapter G, Chapter 301, Government Code, as
24 added by this Act, applies only to a political contribution
25 accepted or a political expenditure made on or after the effective
26 date of this Act.

27 SECTION 3. This Act takes effect on the 91st day after the
28 last day of the legislative session.