

BILL ANALYSIS

Senate Research Center
89R21980 CJD-D

H.B. 3711
By: Capriglione et al. (Middleton)
Local Government
5/9/2025
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The state open meetings law aims to ensure transparency and accountability in governmental proceedings by requiring that meetings of governmental bodies be open to the public, with some exceptions. Violations of that law may result in criminal charges against public officials. Current law outlines offenses against public administration with a primary focus on misconduct by state officers and employees but does not explicitly address violations of state open meetings law committed by local government officials, such as county or municipal officers and school district board members. The bill author has informed the committee that this gap may lead to inconsistent enforcement and prosecution of open meetings violations at the local level. H.B. 3711 seeks to resolve this issue and improve the enforcement of state law by explicitly categorizing violations committed by local government officials as offenses against public administration and by enhancing transparency regarding the prosecution of those offenses.

H.B. 3711 amends current law relating to the investigation and prosecution of certain open meetings offenses as offenses against public administration and the publication of certain information regarding the prosecution of those offenses.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 411.0252, Government Code, as follows:

Sec. 411.0252. OFFENSES AGAINST PUBLIC ADMINISTRATION. Provides that, for purposes of Subchapter B-1 (Public Integrity Unit), the following are offenses against public administration:

- (1)-(2) makes no changes to these subdivisions;
- (3)-(4) makes nonsubstantive changes to these subdivisions; and
- (5) an offense under Chapter 551 (Open Meetings) committed by a county or municipal officer or school district board of trustees member.

SECTION 2. Amends Section 411.0253, Government Code, by adding Subsection (d-1) and amending Subsection (e), as follows:

(d-1) Requires a prosecuting attorney who receives a formal or informal complaint regarding an offense against public administration described by Section 411.0252(5) to request the assistance of the public integrity unit in the investigation of the offense.

(e) Requires the public integrity unit to:

- (1) on request of the prosecuting attorney described by Subsection (d) (relating to an initial investigation by the public integrity unit demonstrating a reasonable

suspicion that an offense against public administration occurred) and for an offense against public administration other than an offense described by Section 411.0252(5), assist the attorney in the investigation of the offense; or

(2) on request of the prosecuting attorney described by Subsection (d) or (d-1) and for an offense against public administration described by Section 411.0252(5), assist the attorney in the investigation of the offense or refer the investigation of the offense to another law enforcement agency with jurisdiction to investigate the offense.

Deletes existing text requiring the public integrity unit, on request of the prosecuting attorney described by Subsection (d), to assist the attorney in the investigation of an offense against public administration.

SECTION 3. Amends Section 411.0254, Government Code, as follows:

Sec. 411.0254. NOTIFICATION REGARDING DISPOSITION OF CASE. (a) Creates this subsection from existing text and makes no further changes.

(b) Requires the prosecuting attorney, if the attorney decides to not prosecute or to terminate the investigation of a case regarding an offense against public administration described by Section 411.0252(5), to publish on the attorney's Internet website, if any, for a period of not less than one year notice of the attorney's decision to not prosecute the case and the attorney's reason for not prosecuting the case.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2025.