

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 3711
By: Capriglione et al. (Middleton)
Local Government
5/24/2025
Committee Report (Substituted)

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.

(Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 3711 amends current law relating to assistance in the investigation of certain open meetings offenses by the open records division of the attorney general's office.

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 Subchapter B, Chapter 2A, Code of Criminal Procedure, by adding Article 2A.067, as follows:

Art. 2A.067. PROVISION OF CERTAIN INFORMATION TO ATTORNEY GENERAL. (a) Requires a law enforcement agency that submits to the office of a district attorney, criminal district attorney, or county attorney a report stating there is probable cause to believe an identified person has committed a criminal offense under Chapter 551 (Open Meetings), Government Code, to simultaneously submit a copy of that report to the open records division of the Office of the Attorney General (OAG).

(b) Requires a law enforcement agency, on request of the attorney general, to provide all requested information that has not been made publicly available regarding an investigation of an offense under Chapter 551, Government Code, to the open records division of the OAG.

SECTION 2. Amends Subchapter C, Chapter 2A, Code of Criminal Procedure, by adding Article 2A.112, as follows:

Art. 2A.112. INVESTIGATION OF OPEN MEETING OFFENSES. (a) Authorizes an attorney representing the state in the prosecution of a criminal offense under Chapter 551, Government Code, to request the assistance of the open records division of the OAG in the investigation of the offense.

(b) Requires the attorney representing the state in the prosecution of a criminal offense under Chapter 551, Government Code, on request of the attorney general, to provide to the open records division of the OAG all requested information that has not been made publicly available regarding the investigation of the offense.

SECTION 3. Amends Subchapter B, Chapter 402, Government Code, by adding Section 402.02801, as follows:

Sec. 402.02801. INVESTIGATION OF OPEN MEETING OFFENSES. (a) Authorizes the open records division of the OAG, on the request of a law enforcement agency under Article 2A.067, Code of Criminal Procedure, or an attorney representing the state under Article 2A.112, Code of Criminal Procedure, to assist the agency or attorney in the investigation of a criminal offense under Chapter 551.

(b) Authorizes the open records division of the OAG, to assist in an investigation under Subsection (a), to request from a law enforcement agency or an attorney representing the state in the prosecution of an offense under Chapter 551 any information relating to the offense that has not been made publicly available.

SECTION 4. Effective date: September 1, 2025.