

By: Capriglione

H.B. No. 3711

A BILL TO BE ENTITLED

AN ACT

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.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 411.0252, Government Code, is amended to read as follows:

Sec. 411.0252. OFFENSES AGAINST PUBLIC ADMINISTRATION. For purposes of this subchapter, the following are offenses against public administration:

(1) an offense under Title 8, Penal Code, committed by a state officer or a state employee in connection with the powers and duties of the state office or state employment;

(2) an offense under Chapter 301, 302, 571, 572, or 2004 committed by a state officer or a state employee in connection with the powers and duties of the state office or state employment or by a candidate for state office;

(3) an offense under Chapter 573 committed by a state officer in connection with the powers and duties of the state office; ~~and~~

(4) an offense under Title 15, Election Code, committed in connection with:

(A) a campaign for or the holding of state

1 office; or

2 (B) an election on a proposed constitutional
3 amendment; and

4 (5) an offense under Chapter 551 committed by a county
5 or municipal officer or school district board of trustees member.

6 SECTION 2. Section 411.0253, Government Code, is amended by
7 adding Subsection (d-1) and amending Subsection (e) to read as
8 follows:

9 (d-1) A prosecuting attorney who receives a formal or
10 informal complaint regarding an offense against public
11 administration described by Section 411.0252(5) shall request the
12 assistance of the public integrity unit in the investigation of the
13 offense.

14 (e) The public integrity unit shall:

15 (1) [7] on request of the prosecuting attorney
16 described by Subsection (d) and for an offense against public
17 administration other than an offense described by Section
18 411.0252(5), assist the attorney in the investigation of the [an]
19 offense; or

20 (2) on request of the prosecuting attorney described
21 by Subsection (d) or (d-1) and for an offense against public
22 administration described by Section 411.0252(5):

23 (A) assist the attorney in the investigation of
24 the offense; or

25 (B) refer the investigation of the offense to
26 another law enforcement agency with jurisdiction to investigate the
27 offense [against public administration].

SECTION 3. Section 411.0254, Government Code, is amended to read as follows:

Sec. 411.0254. NOTIFICATION REGARDING DISPOSITION OF CASE. (a) The prosecuting attorney shall notify the public integrity unit of:

(1) the termination of a case investigated by the public integrity unit; or

(2) the results of the final disposition of a case investigated by the public integrity unit, including the final adjudication or entry of a plea.

(b) If the prosecuting 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), the attorney shall publish on the attorney's Internet website, if any, for a period of not less than one year:

(1) notice of the attorney's decision to not prosecute the case; and

(2) the attorney's reason for not prosecuting the case.

SECTION 4. The changes in law made by this Act apply only to the investigation or prosecution of an offense committed on or after the effective date of this Act. The investigation or prosecution of an offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense

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1 occurred before that date.

2 SECTION 5. This Act takes effect September 1, 2025.