

By: Capriglione

H.B. No. 3711

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the investigation and prosecution of certain open
3 meetings offenses as offenses against public administration and the
4 publication of certain information regarding the prosecution of
5 those offenses.

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

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

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

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

15 (2) an offense under Chapter 301, 302, 571, 572, or
16 2004 committed by a state officer or a state employee in connection
17 with the powers and duties of the state office or state employment
18 or by a candidate for state office;

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

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

24 (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) [r] 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].

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

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

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

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

11 (b) If the prosecuting attorney decides to not prosecute or
12 to terminate the investigation of a case regarding an offense
13 against public administration described by Section 411.0252(5),
14 the attorney shall publish on the attorney's Internet website, if
15 any, for a period of not less than one year:

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

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

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

1 occurred before that date.

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