

SENATE AMENDMENTS
2nd Printing

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.

ADOPTED

MAY 26 2025

Lately Saw
Secretary of the Senate

By: Mary Middle

H.B. No. 3711

Substitute the following for H.B. No. 3711:

By: April S. Parker

C.S. H.B. No. 3711

A BILL TO BE ENTITLED

1 AN ACT

2 relating to assistance in the investigation of certain open
3 meetings offenses by the open records division of the attorney
4 general's office.

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

6 SECTION 1. Subchapter B, Chapter 2A, Code of Criminal
7 Procedure, is amended by adding Article 2A.067 to read as follows:

8 Art. 2A.067. PROVISION OF CERTAIN INFORMATION TO ATTORNEY
9 GENERAL. (a) A law enforcement agency that submits to the office
10 of a district attorney, criminal district attorney, or county
11 attorney a report stating there is probable cause to believe an
12 identified person has committed a criminal offense under Chapter
13 551, Government Code, shall simultaneously submit a copy of that
14 report to the open records division of the attorney general's
15 office.

16 (b) On request of the attorney general, a law enforcement
17 agency shall provide all requested information that has not been
18 made publicly available regarding an investigation of an offense
19 under Chapter 551, Government Code, to the open records division of
20 the attorney general's office.

21 SECTION 2. Subchapter C, Chapter 2A, Code of Criminal
22 Procedure, is amended by adding Article 2A.112 to read as follows:

23 Art. 2A.112. INVESTIGATION OF OPEN MEETING OFFENSES. (a)
24 An attorney representing the state in the prosecution of a criminal

1 offense under Chapter 551, Government Code, may request the
2 assistance of the open records division of the attorney general's
3 office in the investigation of the offense.

4 (b) On request of the attorney general, the attorney
5 representing the state in the prosecution of a criminal offense
6 under Chapter 551, Government Code, shall provide to the open
7 records division of the attorney general's office all requested
8 information that has not been made publicly available regarding the
9 investigation of the offense.

10 SECTION 3. Subchapter B, Chapter 402, Government Code, is
11 amended by adding Section 402.02801 to read as follows:

12 Sec. 402.02801. INVESTIGATION OF OPEN MEETING OFFENSES.

13 (a) The open records division of the attorney general's office, on
14 the request of a law enforcement agency under Article 2A.067, Code
15 of Criminal Procedure, or an attorney representing the state under
16 Article 2A.112, Code of Criminal Procedure, may assist the agency
17 or attorney in the investigation of a criminal offense under
18 Chapter 551.

19 (b) To assist in an investigation under Subsection (a), the
20 open records division of the attorney general's office may request
21 from a law enforcement agency or an attorney representing the state
22 in the prosecution of an offense under Chapter 551 any information
23 relating to the offense that has not been made publicly available.

24 SECTION 4. This Act takes effect September 1, 2025.

ADOPTED

MAY 26 2025

Latey Spaw
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *Mayer Middleton*

1 Amend C.S.H.B. No. 3711 (senate committee report) in SECTION
2 2 of the bill, in added Article 2A.112, Code of Criminal Procedure,
3 as follows:

4 (1) In added Subsection (a) (page 1, line 42), strike "An"
5 and substitute "A district attorney, criminal district attorney,
6 or county".

7 (2) In added Subsection (b) (page 1, line 46), between "the"
8 and "attorney", insert "district attorney, criminal district
9 attorney, or county".

10 (3) Immediately following added Subsection (b) (page 1,
11 between lines 51 and 52), insert the following:

12 (c) If a district attorney, criminal district attorney, or
13 county attorney who receives a report under Article 2A.067(a) or
14 who represents the state in the prosecution of a criminal offense
15 under Chapter 551, Government Code, decides to not prosecute or to
16 terminate the investigation of a case regarding an offense under
17 that chapter, the attorney shall publish on any Internet website
18 maintained by the attorney's office, for a period of not less than
19 one year:

20 (1) notice of the attorney's decision to not prosecute
21 or to terminate the investigation of the case; and

22 (2) the attorney's reason for not prosecuting or for
23 terminating the investigation of the case.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 27, 2025

TO: Honorable Dustin Burrows, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3711 by Capriglione (Relating to assistance in the investigation of certain open meetings offenses by the open records division of the attorney general's office.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would add certain rules related to the investigation of open meeting offenses. Under the provisions of the bill, the open records division of the Office of the Attorney General (OAG) may assist in the investigation of certain open meeting offenses. According to the OAG and the Department of Public Safety, any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

There may be an increase of prosecutions by local attorneys; however, the fiscal impact cannot be determined at this time.

Source Agencies: 302 Office of the Attorney General, 405 Department of Public Safety

LBB Staff: JMc, SZ, CSh, KVEL

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 25, 2025

TO: Honorable Paul Bettencourt, Chair, Senate Committee on Local Government

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3711 by Capriglione (relating to assistance in the investigation of certain open meetings offenses by the open records division of the attorney general's office.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

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Source Agencies: 302 Office of the Attorney General, 405 Department of Public Safety

LBB Staff: JMc, SZ, CSh, KVEL

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 10, 2025

TO: Honorable Paul Bettencourt, Chair, Senate Committee on Local Government

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3711 by Capriglione (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.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3711, As Engrossed: a negative impact of (\$5,366,009) through the biennium ending August 31, 2027.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	Probable Net Positive/(Negative) Impact to <i>General Revenue Related Funds</i>
2026	(\$3,349,146)
2027	(\$2,016,863)
2028	(\$2,016,863)
2029	(\$2,016,863)
2030	(\$2,016,863)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	<i>Change in Number of State Employees from FY 2025</i>
2026	(\$3,349,146)	11.0
2027	(\$2,016,863)	11.0
2028	(\$2,016,863)	11.0
2029	(\$2,016,863)	11.0
2030	(\$2,016,863)	11.0

Fiscal Analysis

The bill would add Open Meeting Act violations committed by certain local government officials to the Texas Ranger's Public Integrity Unit (PIU) area of responsibility. Under the provisions of the bill, prosecuting attorneys would be directed to publish certain information online.

Methodology

According to the Department of Public Safety (DPS), the duties and responsibilities associated with implementing the provisions of the bill could not be absorbed within existing resources. DPS states that 6.0 additional Texas Rangers, one for each DPS region, would be needed to investigate the anticipated increase of PIU cases. Additionally, DPS estimates the agency would need an additional 5.0 full-time equivalent positions to support the unit, including 1.0 Administrative Assistant III, 1.0 Criminal Intelligence Analyst III, 1.0 Forensic Scientist IV, 1.0 Police Communications Operator IV, and 1.0 Program Specialist V.

This analysis includes \$1,536,485 in fiscal year 2026 and \$1,536,485 in fiscal year 2027 for salary and benefits. Other costs including rent, consumables supplies, travel, other operating expenses, and capital expenditures would total \$1,812,661 in fiscal year 2026 and \$480,378 in fiscal year 2027.

Local Government Impact

There may be an increase of prosecutions by local attorneys; however, the fiscal impact cannot be determined at this time.

Source Agencies: 405 Department of Public Safety

LBB Staff: JMc, SZ, CSh, KVEL, RStu, NV

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

April 11, 2025

TO: Honorable Giovanni Capriglione, Chair, House Committee on Delivery of Government Efficiency

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: **HB3711** by Capriglione (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.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3711, Committee Report 1st House, Substituted: a negative impact of (\$5,366,009) through the biennium ending August 31, 2027.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

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Local Government Impact

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Source Agencies: 405 Department of Public Safety

LBB Staff: JMc, RStu, CSh, KVEL, NV

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

April 1, 2025

TO: Honorable Giovanni Capriglione, Chair, House Committee on Delivery of Government Efficiency

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: **HB3711** by Capriglione (Relating to the investigation and prosecution of certain open meetings offenses as offenses against public administration.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3711, As Introduced: a negative impact of (\$5,366,009) through the biennium ending August 31, 2027.

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Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

LBB Staff: JMc, RStu, CSh, KVEL