

# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5/28/2015

Date

Honorable Dan Patrick  
President of the Senate

Honorable Joe Straus  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 1690 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

*Joan Huffman*  
HUFFMAN  
*Brenda Creighton*  
CREIGHTON

*Jane Nelson*  
NELSON

*Robert Lee Nichols*  
NICHOLS

WATSON On the part of the Senate

*Phil King*  
King

*John Kuepfer*  
KUEPFER

*Dennis Bonnen*  
DENNIS BONNEN

*Sarah Davis*  
Sarah Davis

On the part of the House

## Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.



# CONFERENCE COMMITTEE REPORT

3<sup>rd</sup> Printing

H.B. No. 1690

A BILL TO BE ENTITLED

AN ACT

relating to the investigation and prosecution of offenses against public administration, including ethics offenses.

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

SECTION 1. Chapter 411, Government Code, is amended by adding Subchapter B-1 to read as follows:

SUBCHAPTER B-1. PUBLIC INTEGRITY UNIT

Sec. 411.0251. DEFINITIONS. In this subchapter:

(1) "Offense" means a prohibited act for which state law imposes a criminal or civil penalty.

(2) "Prosecuting attorney" means a district attorney, criminal district attorney, or county attorney.

(3) "State agency" means a department, commission, board, office, council, authority, or other agency in the executive branch of state government that is created by the constitution or a statute of this state, including a university system or institution of higher education as defined by Section 61.003, Education Code.

(4) "State employee" means an individual, other than a state officer, who is employed by:

(A) a state agency;

(B) the Supreme Court of Texas, the Court of Criminal Appeals of Texas, a court of appeals, or the Texas Judicial Council; or

(C) either house of the legislature or a

1 legislative agency, council, or committee, including the  
2 Legislative Budget Board, the Texas Legislative Council, the State  
3 Auditor's Office, and the Legislative Reference Library.

4 (5) "State officer" means an elected officer, an  
5 appointed officer, a salaried appointed officer, an appointed  
6 officer of a major state agency, or the executive head of a state  
7 agency.

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

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

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

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

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

23 (A) a campaign for or the holding of state  
24 office; or

25 (B) an election on a proposed constitutional  
26 amendment.

27 Sec. 411.0253. PUBLIC INTEGRITY UNIT. (a) The Texas

1 Rangers division of the department shall establish and support a  
2 public integrity unit.

3 (b) On receiving a formal or informal complaint regarding an  
4 offense against public administration or on request of a  
5 prosecuting attorney or law enforcement agency, the public  
6 integrity unit may perform an initial investigation into whether a  
7 person has committed an offense against public administration.

8 (c) The Texas Rangers have authority to investigate an  
9 offense against public administration, any lesser included  
10 offense, and any other offense arising from conduct that  
11 constitutes an offense against public administration.

12 (d) If an initial investigation by the public integrity unit  
13 demonstrates a reasonable suspicion that an offense against public  
14 administration occurred, the matter shall be referred to the  
15 prosecuting attorney of the county in which venue is proper under  
16 Section 411.0256 or Chapter 13, Code of Criminal Procedure, as  
17 applicable.

18 (e) The public integrity unit shall, on request of the  
19 prosecuting attorney described by Subsection (d), assist the  
20 attorney in the investigation of an offense against public  
21 administration.

22 Sec. 411.0254. NOTIFICATION REGARDING DISPOSITION OF CASE.  
23 The prosecuting attorney shall notify the public integrity unit of:

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

26 (2) the results of the final disposition of a case  
27 investigated by the public integrity unit, including the final

1 adjudication or entry of a plea.

2 Sec. 411.0255. RECUSAL OF PROSECUTING ATTORNEY; SELECTION  
3 OF PROSECUTING ATTORNEY BY PRESIDING JUDGE OF ADMINISTRATIVE  
4 JUDICIAL REGION. (a) In this section, "judges" means the presiding  
5 judges of the administrative judicial regions.

6 (b) A prosecuting attorney may request that the court with  
7 jurisdiction over the complaint permit the attorney to recuse  
8 himself or herself for good cause in a case investigated under this  
9 subchapter, and on submitting the notice of recusal, the attorney  
10 is disqualified.

11 (c) Following the recusal of a prosecuting attorney under  
12 Subsection (b), the judges shall appoint a prosecuting attorney  
13 from another county in that administrative judicial region by  
14 majority vote. A prosecuting attorney selected under this  
15 subsection has the authority to represent the state in the  
16 prosecution of the offense.

17 (d) The prosecutor selected under this section may pursue a  
18 waiver to extend the statute of limitations by no more than two  
19 years. If the waiver adds less than two years to limitations, the  
20 prosecutor may pursue a successive waiver for good cause shown to  
21 the court, providing that the total time of all waivers does not  
22 exceed two years.

23 Sec. 411.0256. VENUE. Notwithstanding Chapter 13, Code of  
24 Criminal Procedure, or other law, if the defendant is a natural  
25 person, venue for prosecution of an offense against public  
26 administration and lesser included offenses arising from the same  
27 transaction is the county in which the defendant resided at the time

1 the offense was committed.

2 Sec. 411.0257. RESIDENCE. For the purposes of this  
3 subchapter, a person resides in the county where that person:

4 (1) claims a residence homestead under Chapter 41,  
5 Property Code, if that person is a member of the legislature;

6 (2) claimed to be a resident before being subject to  
7 residency requirements under Article IV, Texas Constitution, if  
8 that person is a member of the executive branch of this state;

9 (3) claims a residence homestead under Chapter 41,  
10 Property Code, if that person is a justice on the supreme court or  
11 judge on the court of criminal appeals; or

12 (4) otherwise claims residence if no other provision  
13 of this section applies.

14 Sec. 411.0258. COOPERATION OF STATE AGENCIES AND LOCAL LAW  
15 ENFORCEMENT AGENCIES. (a) To the extent allowed by law, a state  
16 agency or local law enforcement agency shall cooperate with the  
17 public integrity unit and prosecuting attorney by providing  
18 resources and information requested by the unit as necessary to  
19 carry out the purposes of this subchapter.

20 (b) Information disclosed under this section is  
21 confidential and not subject to disclosure under Chapter 552.

22 Sec. 411.0259. SUBPOENAS. (a) In connection with an  
23 investigation of an alleged offense against public administration,  
24 the public integrity unit may issue a subpoena to compel the  
25 production, for inspection or copying, of relevant evidence that is  
26 in this state.

27 (b) A subpoena may be served personally or by certified

1 mail.

2       (c) If a person fails to comply with a subpoena, the public  
3 integrity unit, acting through the general counsel of the  
4 department, may file suit to enforce the subpoena in a district  
5 court in this state. On finding that good cause exists for issuing  
6 the subpoena, the court shall order the person to comply with the  
7 subpoena. The court may punish a person who fails to obey the court  
8 order.

9       SECTION 2. Chapter 41, Government Code, is amended by  
10 adding Subchapter F to read as follows:

11       SUBCHAPTER F. PAYMENTS FOR PUBLIC INTEGRITY PROSECUTIONS

12       Sec. 41.351. DEFINITIONS. In this subchapter:

13               (1) "Offense against public administration" means an  
14 offense described by Section 411.0252.

15               (2) "Prosecuting attorney" means a county attorney,  
16 district attorney, or criminal district attorney.

17       Sec. 41.352. PAYMENT FOR EXTRAORDINARY COSTS OF  
18 PROSECUTION. The comptroller shall pay from funds appropriated to  
19 the comptroller's judiciary section, from appropriations made  
20 specifically for enforcement of this section, reasonable amounts  
21 incurred by a prosecuting attorney for extraordinary costs of  
22 prosecution of an offense against public administration.

23       SECTION 3. Sections 301.027(b) and (c), Government Code,  
24 are amended to read as follows:

25       (b) If the president of the senate or speaker receives a  
26 report or statement of facts as provided by Subsection (a), the  
27 president of the senate or speaker shall certify the statement of

1 facts to the appropriate prosecuting [Travis County district]  
2 attorney as provided under Section 411.0253(d) under the seal of  
3 the senate or house of representatives, as appropriate.

4 (c) The prosecuting [Travis County district] attorney to  
5 whom a statement of facts is certified under Subsection (a) or the  
6 prosecutor selected under Section 411.0255, if applicable, shall  
7 bring the matter before the grand jury for action. If the grand  
8 jury returns an indictment, the prosecuting [district] attorney  
9 shall prosecute the indictment.

10 SECTION 4. Section 411.022, Government Code, is amended by  
11 adding Subsection (c) to read as follows:

12 (c) An officer of the Texas Rangers has the authority to  
13 investigate offenses against public administration prosecuted  
14 under Subchapter B-1.

15 SECTION 5. (a) Not later than three months after the  
16 effective date of this Act, the Department of Public Safety shall  
17 establish the public integrity unit under Subchapter B-1, Chapter  
18 411, Government Code, as added by this Act.

19 (b) Subchapter B-1, Chapter 411, Government Code, as added  
20 by this Act, applies only to the investigation and prosecution of an  
21 offense under Subchapter B-1, Chapter 411, Government Code,  
22 committed on or after the date that the Department of Public Safety  
23 establishes the public integrity unit. For purposes of this  
24 subsection, an offense is committed if any element of the offense  
25 occurs before the date described by this subsection.

26 (c) The prosecution of an offense committed before the date  
27 described in Subsection (b) of this section is covered by the law in

1 effect when the offense was committed, and the former law is  
2 continued in effect for that purpose.

3 SECTION 6. If any provision of this Act or its application  
4 to any person or circumstance is held invalid, the invalidity does  
5 not affect other provisions or applications of this Act that can be  
6 given effect without the invalid provision or application, and to  
7 this end the provisions of this Act are severable.

8 SECTION 7. This Act takes effect September 1, 2015.

**House Bill 1690**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Chapter 41, Government Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. PUBLIC INTEGRITY PROSECUTIONS  
Sec. 41.351. DEFINITIONS. In this subchapter:

(1) "Offense" means a prohibited act for which state law imposes a criminal or civil penalty.

*No equivalent provision.*

(2) "Prosecute" means represent the state to impose a criminal or civil penalty.

(3) "Public integrity prosecution" means the prosecution of an offense against public administration under Section 41.352.

(4) "State agency" means a department, commission, board, office, council, authority, or other agency in the executive branch of state government that is created by the constitution or a statute of this state, including a university system or institution of higher education as defined by Section 61.003, Education Code.

(5) "State employee" means an individual, other than a state officer, who is employed by:

(A) a state agency;

(B) the Supreme Court of Texas, the Court of Criminal Appeals of Texas, a court of appeals, or the Texas Judicial Council; or

(C) either house of the legislature or a legislative agency, council, or committee, including the Legislative Budget

SENATE VERSION (CS)

SECTION 1. Chapter 411, Government Code, is amended by adding Subchapter B-1 to read as follows:

SUBCHAPTER B-1. PUBLIC INTEGRITY UNIT  
Sec. 411.0251. DEFINITIONS. In this subchapter:

(1) Same as House version.

(2) "Prosecuting attorney" means a district attorney, criminal district attorney, or county attorney.

*No equivalent provision.*

*No equivalent provision.*

*No equivalent provision.*

*No equivalent provision.*

CONFERENCE

SECTION 1. Chapter 411, Government Code, is amended by adding Subchapter B-1 to read as follows:

SUBCHAPTER B-1. PUBLIC INTEGRITY UNIT  
Sec. 411.0251. DEFINITIONS. In this subchapter:

(1) Same as House version.

(2) Same as Senate version.

Same as Senate version.

Same as Senate version.

(3) Same as House version.

(4) Same as House version.

**House Bill 1690**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

Board, the Texas Legislative Council, the State Auditor's Office, and the Legislative Reference Library.

(6) "State officer" means an elected officer, an appointed officer, a salaried appointed officer, an appointed officer of a major state agency, or the executive head of a state agency.

Sec. 41.352. 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 office; or

(B) an election on a proposed constitutional amendment.

Sec. 41.353. INVESTIGATION OF PUBLIC INTEGRITY OFFENSES.

(a) Unless another state agency is designated as having primary responsibility for an investigation of a complaint alleging an offense against public administration,

*No equivalent provision.*

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, ~~305~~, 571, 572, or 2004;

(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 office; or

(B) an election on a proposed constitutional amendment.

Sec. 411.0253. PUBLIC INTEGRITY UNIT. (a) *The Texas Rangers division of the department shall establish and support a public integrity unit.*

(b) On receiving a formal or informal complaint regarding an offense against public administration or on request of a prosecuting attorney or law enforcement agency, the public

(5) Same as House version.

Sec. 411.0252. Same as House version.

Sec. 411.0253. Same as Senate version.

House Bill 1690  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

an investigation of a formal or informal complaint alleging an offense against public administration under this subchapter shall be conducted by an officer of the Texas Rangers. If a state agency other than the Texas Rangers has primary responsibility for an investigation of a complaint alleging an offense against public administration, the Texas Rangers shall provide assistance if assistance is requested by that state agency.

(b) Nothing in this subchapter shall prevent the state auditor from conducting an investigation under Chapter 321, including an investigation of a formal or informal complaint alleging an offense against public administration.

(c) If an investigation conducted by the Texas Rangers of a complaint alleging an offense against public administration demonstrates a reasonable suspicion that the offense alleged in the complaint occurred, the officer of the Texas Rangers conducting the investigation shall refer the complaint to the appropriate prosecutor of the county in which venue is proper under Section 41.357.

*No equivalent provision.*

(d) Not later than the 90th day before the expiration of the statute of limitations for the prosecution of an offense against

SENATE VERSION (CS)

integrity unit may perform an initial investigation into whether a person has committed an offense against public administration.

(c) The Texas Rangers have authority to investigate an offense against public administration, any lesser included offense, and any other offense arising from conduct that constitutes an offense against public administration.

*No equivalent provision.*

(d) If an initial investigation by the public integrity unit demonstrates a reasonable suspicion that an offense against public administration occurred, the matter shall be referred to the prosecuting attorney of the county in which venue is proper under Section 411.0256 or Chapter 13, Code of Criminal Procedure, as applicable.

(e) The public integrity unit shall, on request of the prosecuting attorney described by Subsection (d), assist the attorney in the investigation of an offense against public administration.

*No equivalent provision.*

CONFERENCE

**House Bill 1690**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

public administration alleged in a complaint referred by the Texas Rangers under Subsection (c), the prosecutor to whom the complaint was referred shall notify the Texas Rangers of the status of the case. The Texas Rangers shall immediately notify the legislature if a prosecutor does not provide the status notification to the Texas Rangers within the time provided in this subsection.

*No equivalent provision.*

Sec. 41.354. RECUSAL OF PROSECUTOR.

(a) In this section, "judges" means the presiding judges of the administrative judicial regions.

(b) A prosecutor to whom a complaint has been referred under Section 41.353(c) or the defendant may request that the court with jurisdiction over the complaint order the prosecutor to be recused from the case for good cause. If the court approves the request, the prosecutor shall be considered disqualified.

Sec. 411.0254. NOTIFICATION REGARDING DISPOSITION OF CASE. 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.

Sec. 411.0255. RECUSAL OF PROSECUTING ATTORNEY; SELECTION OF PROSECUTING ATTORNEY BY PRESIDING JUDGE OF ADMINISTRATIVE JUDICIAL REGION.

*No equivalent provision.*

(a) A prosecuting attorney may request that the *presiding judge of the administrative judicial region containing the county served by that attorney* permit the attorney to recuse himself or herself for good cause in a case investigated under this subchapter, and *on submitting the notice of recusal*, the attorney is disqualified.

Sec. 411.0254. Same as Senate version.

Sec. 411.0255. RECUSAL OF PROSECUTING ATTORNEY; SELECTION OF PROSECUTING ATTORNEY BY PRESIDING JUDGE OF ADMINISTRATIVE JUDICIAL REGION.

(a) Same as House version.

(b) A prosecuting attorney may request that *the court with jurisdiction over the complaint* permit the attorney to recuse himself or herself for good cause in a case investigated under this subchapter, and *on submitting the notice of recusal*, the attorney is disqualified.

**House Bill 1690**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

(c) A prosecutor to whom a complaint has been referred under Section 41.353(c) and who has, either currently or in the past, a financial or other business relationship with the defendant must request that the court with jurisdiction over the complaint permit the prosecutor to be recused from the case for good cause. If the court approves the request, the prosecutor shall be considered disqualified.

*No equivalent provision.*

Same as Senate version.

(d) A prosecutor to whom a complaint has been referred under Section 41.353(c) shall disclose to the court if the prosecutor, in either a personal or professional capacity, has ever made a campaign contribution to or received a campaign contribution from the person against whom the complaint was made or a political committee organized for the benefit of the person against whom the complaint was made. The court shall consider a disclosure made under this subsection in determining whether good cause exists for recusal.

*No equivalent provision.*

Same as Senate version.

(e) Following the recusal of a prosecutor *under Subsection (b) or (c), the judges shall select* the prosecutor for prosecution of the complaint *by a majority vote*. The prosecutor for an offense against public administration must represent another county within the same administrative judicial region as the county in which venue is proper under Section 41.357. *A prosecutor may be selected under this section only with the prosecutor's consent to the appointment.*

(b) On recusal of a prosecuting attorney *under Subsection (a), the presiding judge of the administrative judicial region containing the county served by that attorney shall appoint* a prosecuting attorney from another county in that administrative judicial region. *A prosecuting attorney appointed under this subsection has the authority to represent the state in the prosecution of the offense.*

(c) Substantially the same as Senate version except requires the appointment to be *by majority vote*.

(f) In selecting a prosecutor under this section, the judges shall consider the proximity of the county or district represented by the prosecutor to the county in which venue is proper under Section 41.357.

*No equivalent provision.*

Same as Senate version.

**House Bill 1690**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

(g) The prosecutor selected to prosecute the public integrity offense under this section may pursue a waiver to extend the statute of limitations by no more than two years. If the waiver adds less than two years to limitations, the prosecutor may pursue a successive waiver for good cause shown to the court, providing that the total time of all waivers does not exceed two years.

Sec. 41.355. COOPERATION OF STATE AGENCIES AND LOCAL LAW ENFORCEMENT AGENCIES. (a) To the extent allowed by law, a state agency or local law enforcement agency shall cooperate with the *prosecutor of a public integrity prosecution* by providing information requested by the prosecutor as necessary to carry out the purposes of this subchapter.

(b) Information disclosed under this section is confidential and not subject to disclosure under Chapter 552.

Sec. 41.356. CONFLICT OF INTEREST.

Sec. 41.357. VENUE. (a) Notwithstanding Chapter 13, Code of Criminal Procedure, or any other law, *and except as provided by Subsection (c) or (d)*, if the defendant is a *state officer*, venue for a *prosecution under this subchapter* is the county in which the defendant resided *at the time the offense was committed*.

(b) Notwithstanding any other law, if the defendant is a state employee who is not a state officer, venue for a prosecution

*No equivalent provision.*

Sec. 411.0258. COOPERATION OF STATE AGENCIES AND LOCAL LAW ENFORCEMENT AGENCIES. (a) To the extent allowed by law, a state agency or local law enforcement agency shall cooperate with the *public integrity unit* by providing *resources and* information requested by the unit as necessary to carry out the purposes of this subchapter.

(b) Same as House version.

*No equivalent provision.*

Sec. 411.0256. VENUE. Notwithstanding Chapter 13, Code of Criminal Procedure, or other law, if the defendant is a *natural person*, venue for *prosecution of an offense against public administration and lesser included offenses arising from the same transaction* is the county in which the defendant resides.

*No equivalent provision.*

(d) Substantially the same as House version.

Sec. 411.0258. Same as Senate version except also requires cooperation with the *prosecuting attorney*.

Same as Senate version.

Sec. 411.0256. Substantially the same as Senate version except specifies that the applicable county is the county of residence *at the time the offense was committed*.

Same as Senate version.

**House Bill 1690**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

under this subchapter is the county in which the conduct constituting the offense against public administration occurred.

(c) If the defendant holds an office of the executive branch subject to a residency requirement under Article IV, Texas Constitution, venue for a prosecution under this subchapter is the county in which the defendant resided at the time the defendant was elected to the term of that office during which the offense was committed.

(d) If a complaint alleging an offense against public administration under this subchapter alleges that an offense was committed by two or more defendants, venue for the prosecution of all defendants under this subchapter is any county in which the conduct constituting the offense against public administration occurred.

Sec. 41.358. PROSECUTION OF CERTAIN OFFENSES BY ATTORNEY GENERAL.

*No equivalent provision.*

*No equivalent provision.*

*No equivalent provision.*

*No equivalent provision.*

Sec. 411.0257. RESIDENCE. For the purposes of this subchapter, a person resides in the county where that person:  
(1) claims a residence homestead under Chapter 41, Property Code, if that person is a member of the legislature;  
(2) claimed to be a resident before being subject to residency requirements under Article IV, Texas Constitution, if that person is a member of the executive branch of this state;  
(3) claims a residence homestead under Chapter 41, Property Code, if that person is a justice on the supreme court or judge on the court of criminal appeals; or  
(4) otherwise claims residence if no other provision of this

Same as Senate version.

Same as Senate version.

Same as Senate version.

Sec. 411.0257. Same as Senate version.

**House Bill 1690**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

*No equivalent provision.*

section applies.

Sec. 411.0259. SUBPOENAS. (a) In connection with an investigation of an alleged offense against public administration, the public integrity unit may issue a subpoena to compel *the attendance of a relevant witness or* the production, for inspection or copying, of relevant evidence that is in this state.

(b) A subpoena may be served personally or by certified mail.

(c) If a person fails to comply with a subpoena, the public integrity unit, acting through the general counsel of the department, may file suit to enforce the subpoena in a district court in this state. On finding that good cause exists for issuing the subpoena, the court shall order the person to comply with the subpoena. The court may punish a person who fails to obey the court order.

*No equivalent provision.*

SECTION 2. Chapter 41, Government Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. PAYMENTS FOR PUBLIC INTEGRITY PROSECUTIONS

Sec. 41.351. DEFINITIONS. In this subchapter:

(1) "Offense against public administration" means an offense described by Section 411.0252.

(2) "Prosecuting attorney" means a county attorney, district attorney, or criminal district attorney.

Sec. 41.352. PAYMENT FOR EXTRAORDINARY COSTS OF PROSECUTION. The comptroller shall pay from funds appropriated to the comptroller's judiciary section, from appropriations made specifically for enforcement of this

Sec. 411.0259. SUBPOENAS. (a) In connection with an investigation of an alleged offense against public administration, the public integrity unit may issue a subpoena to compel the production, for inspection or copying, of relevant evidence that is in this state.

(b) Same as Senate version.

(c) Same as Senate version.

SECTION 2. Same as Senate version.

**House Bill 1690**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

SECTION 2. Sections 301.027(b) and (c), Government Code, are amended to read as follows:

(b) If the president of the senate or speaker receives a report or statement of facts as provided by Subsection (a), the president of the senate or speaker shall certify the statement of facts to the appropriate prosecuting [Travis County district] attorney as provided under Section 41.353(c) under the seal of the senate or house of representatives, as appropriate.

(c) The prosecuting [Travis County district] attorney to whom a statement of facts is certified under Subsection (a) or the prosecutor selected under Section 41.354(e), if applicable, shall bring the matter before the grand jury for action. If the grand jury returns an indictment, the prosecuting [district] attorney shall prosecute the indictment.

SECTION 3. Section 411.022, Government Code, is amended by adding Subsection (c) to read as follows:

(c) An officer of the Texas Rangers has the authority to investigate offenses against public administration prosecuted under *Subchapter F, Chapter 41.*

SECTION 4. Subchapter F, Chapter 41, Government Code, as added by this Act, applies only to the prosecution of an offense against public administration committed on or after September 1, 2015. For purposes of this section, an offense is committed before September 1, 2015, if any element of the offense occurs before that date.

section, reasonable amounts incurred by a prosecuting attorney for extraordinary costs of prosecution of an offense against public administration.

SECTION 3. Substantially the same as House version.

SECTION 4. Substantially the same as House version.

*No equivalent provision. (But see SECTION 5(b) below.)*

SECTION 3. Same as Senate version.

SECTION 4. Same as Senate version.

Same as Senate version.

**House Bill 1690**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SECTION 5. The investigation of an offense against public administration that is classified as ongoing or pending on the effective date of this Act shall remain with the entity that is conducting the investigation, unless the entity consents to transfer the investigation to the Texas Rangers.

*No equivalent provision.*

*No equivalent provision. (But see SECTION 4 above.)*

*No equivalent provision.*

SECTION 6. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SENATE VERSION (CS)

*No equivalent provision.*

SECTION 5. (a) Not later than three months after the effective date of this Act, the Department of Public Safety shall establish the public integrity unit under Subchapter B-1, Chapter 411, Government Code, as added by this Act.

(b) Subchapter B-1, Chapter 411, Government Code, as added by this Act, applies only to the investigation and prosecution of an offense under Subchapter B-1, Chapter 411, Government Code, committed on or after the date that the Department of Public Safety establishes the public integrity unit. For purposes of this subsection, an offense is committed if any element of the offense occurs before the date described by this subsection.

(c) The prosecution of an offense committed before the date described in Subsection (b) of this section is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

*No equivalent provision.*

CONFERENCE

Same as Senate version.

SECTION 5. Same as Senate version.

SECTION 6. Same as House version.

**House Bill 1690**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SECTION 7. This Act takes effect September 1, 2015.

SENATE VERSION (CS)

SECTION 6. *This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.*

CONFERENCE

SECTION 7. Same as House version.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 29, 2015**

**TO:** Honorable Dan Patrick, Lieutenant Governor, Senate  
Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1690** by King, Phil (Relating to the investigation and prosecution of offenses against public administration, including ethics offenses.), **Conference Committee Report**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend the Government Code to establish a Public Integrity Unit within the Texas Ranger Division of the Department of Public Safety (DPS). It is assumed the establishment of a Public Integrity Unit within the Texas Ranger Division would result in costs to DPS. However, the agency has indicated that while the bill would require additional investigative resources devoted to public corruption investigations, the Texas Ranger Division could absorb the additional workload within existing resources.

The bill would also direct the Comptroller to pay from appropriations made specifically for enforcement of public integrity prosecutions reasonable amounts incurred by a prosecuting attorney for extraordinary costs of prosecution of an offense against public administration. The Comptroller has indicated the costs to the state resulting from this requirement can not be determined.

**Local Government Impact**

It is assumed any costs associated with prosecutions resulting from the bill would be to some degree offset by the bill's requirement for the Comptroller to pay reasonable amounts incurred by a prosecuting attorney for extraordinary costs of prosecution of an offense against public administration.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 454 Department of Insurance

**LBB Staff:** UP, SD, AG, FR, AI, JAW

**Certification of Compliance with  
Rule 13, Section 6(b), House Rules of Procedure**

Rule 13, Section 6(b), House Rules of Procedure, requires a copy of a conference committee report signed by a majority of each committee of the conference to be furnished to each member of the committee in person or, if unable to deliver in person, by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Rule 13, Section 10(a). The paper copies of the report submitted to the chief clerk under Rule 13, Section 10(b), must contain a certificate that the requirement of Rule 13, Section 6(b), has been satisfied, and that certificate must be attached to the copy of the report furnished to each member under Rule 13, Section 10(d). Failure to comply with this requirement is not a sustainable point of order under Rule 13.

I certify that a copy of the conference committee report on HB 11690 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Rule 13, Section 10(b), House Rules of Procedure.

Phil King

(name)

5/29/15

(date)