

## **BILL ANALYSIS**

H.B. 3531  
By: Shine  
State Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

It has been suggested that there is confusion among those in the legal community on the issue of disqualification of prosecutors who are the subject of an investigation for an offense against public administration. H.B. 3531 seeks to alleviate this confusion.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 3531 amends the Government Code to authorize the judge of a court with jurisdiction over a complaint alleging an offense against public administration in a case investigated by the public integrity unit of the Texas Rangers to request that the presiding judges of the administrative judicial regions permit the judge to recuse himself or herself for good cause. The judge is disqualified on submission of the notice of recusal.

H.B. 3531 requires the public integrity unit to inform the judge of the court with jurisdiction over such a complaint if the prosecuting attorney is disqualified because the prosecuting attorney is the subject of a criminal investigation by the unit based on credible evidence of criminal misconduct. The bill requires the judge, on showing that the prosecuting attorney is the subject of the investigation, to order the prosecuting attorney disqualified. The bill requires the unit to inform the presiding judges of the administrative judicial regions of the prosecuting attorney's disqualification if the applicable judge is also disqualified.

H.B. 3531 requires the public integrity unit to inform the presiding judges of the administrative judicial regions if a judge of a court with jurisdiction over an applicable complaint is disqualified because the judge is the subject of a criminal investigation by the unit based on credible evidence of criminal misconduct. The bill requires the presiding judges, on showing that the judge is the subject of the investigation, to order the judge disqualified. That disqualification applies only to the judge's access to the criminal investigation pending against the judge and to any prosecution of a criminal charge resulting from that investigation. The bill requires the presiding judges, following the disqualification of a judge, to appoint by majority vote a judge from a county within the administrative judicial region and grants the judge jurisdiction over the complaint.

The changes to law made by H.B. 3531 apply to a case investigated by the public integrity unit initiated or pending before a court on or after the bill's effective date.

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.