

## **BILL ANALYSIS**

Senate Research Center  
2001S0778/1

S.B. 1452  
By: Lindsay  
State Affairs  
3/23/2001  
As Filed

### **DIGEST AND PURPOSE**

Under current law, all proceedings relating to complaints filed with the Texas Ethics Commission (commission) are confidential and cannot be disclosed except under certain conditions. Current law also imposes very strict civil and criminal penalties for violation of the confidentiality provision. However, this produces a “chilling effect,” on investigations of complaints by the commission staff since even the contacting of a witness for the purposes of an investigation could be construed as a violation of the confidentiality provision. As proposed, S.B. 1452 clarifies that during an investigation of a sworn complaint, the commission staff is authorized to contact witnesses or potential witnesses without violating the confidentiality provision. This bill also deletes language imposing severe penalties for violation of the confidentiality provision.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 571.140, Government Code, as follows:

Sec. 571.140. New heading: CONFIDENTIALITY. (a) Provides that, except as provided by Subsections (b) and (c), proceedings at a preliminary review or a formal hearing performed by the Texas Ethics Commission (commission), a sworn complaint, and documents and any additional evidence relating to the processing, preliminary review, informal hearing, or resolution of a sworn complaint or motion are confidential and are prohibited from being disclosed by the commission except under certain conditions.

(b) Authorizes certain information to be disclosed by the commission to certain parties for the purpose of investigating a sworn complaint.

(c) Deletes text regarding an offense under this section.

(d) Deletes text regarding civil liability.

SECTION 2. Effective date: September 1, 2001.