

Vernon's Ann.Texas Const. Art. 16, § 1

Vernon's Texas Statutes and Codes Annotated [Currentness](#)

Constitution of The state of Texas 1876 ([Refs & Annos](#))

▣ [Article XVI](#). General Provisions

▣ **§ 1. Official Oath**

Sec. 1. (a) All elected and appointed officers, before they enter upon the duties of their offices, shall take the following Oath or Affirmation:

“I, _____, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of _____ of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.”

(b) All elected or appointed officers, before taking the Oath or Affirmation of office prescribed by this section and entering upon the duties of office, shall subscribe to the following statement:

“I, _____, do solemnly swear (or affirm) that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.”

(c) Members of the Legislature, the Secretary of State, and all other elected and appointed state officers shall file the signed statement required by Subsection (b) of this section with the Secretary of State before taking the Oath or Affirmation of office prescribed by Subsection (a) of this section. All other officers shall retain the signed statement required by Subsection (b) of this section with the official records of the office.

V.T.C.A., Government Code § 572.051

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Government Code ([Refs & Annos](#))

Title 5. Open Government; Ethics ([Refs & Annos](#))

Subtitle B. Ethics

▣ [Chapter 572](#). Personal Financial Disclosure, Standards of Conduct, and Conflict of Interest ([Refs & Annos](#))

▣ [Subchapter C](#). Standards of Conduct and Conflict of Interest Provisions

▣ **§ 572.051. Standards of Conduct; State Agency Ethics Policy**

(a) A state officer or employee should not:

(1) accept or solicit any gift, favor, or service that might reasonably tend to influence the officer or employee in the discharge of official duties or that the officer or employee knows or should know is being offered with the intent to influence the officer's or employee's official conduct;

(2) accept other employment or engage in a business or professional activity that the officer or employee might reasonably expect would require or induce the officer or employee to disclose confidential information acquired by reason of the official position;

(3) accept other employment or compensation that could reasonably be expected to impair the officer's or employee's independence of judgment in the performance of the officer's or employee's official duties;

(4) make personal investments that could reasonably be expected to create a substantial conflict between the officer's or employee's private interest and the public interest; or

(5) intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised the officer's or employee's official powers or performed the officer's or employee's official duties in favor of another.

(b) A state employee who violates Subsection (a) or an ethics policy adopted under Subsection (c) is subject to termination of the employee's state employment or another employment-related sanction. Notwithstanding this subsection, a state officer or employee who violates Subsection (a) is subject to any applicable civil or criminal penalty if the violation also constitutes a violation of another statute or rule.

(c) Each state agency shall:

(1) adopt a written ethics policy for the agency's employees consistent with the standards prescribed by Subsection (a) and other provisions of this subchapter; and

(2) distribute a copy of the ethics policy and this subchapter to:

(A) each new employee not later than the third business day after the date the person begins employment with the agency; and

(B) each new officer not later than the third business day after the date the person qualifies for office.

(d) The office of the attorney general shall develop, in coordination with the commission, and distribute a model policy that state agencies may use in adopting an agency ethics policy under Subsection (c). A state agency is not required to adopt the model policy developed under this subsection.

(e) Subchapters E and F, Chapter 571, do not apply to a violation of this section.

(f) Notwithstanding Subsection (e), if a person with knowledge of a violation of an agency ethics policy adopted under Subsection (c) that also constitutes a criminal offense under another law of this state reports the violation to an appropriate prosecuting attorney, then, not later than the 60th day after the date a person notifies the prosecuting attorney under this subsection, the prosecuting attorney shall notify the commission of the status of the prosecuting attorney's investigation of the alleged violation. The commission shall, on the request of the prosecuting attorney, assist the prosecuting attorney in investigating the alleged violation. This subsection does not apply to an alleged violation by a member or employee of the commission.

(g) to (i) Expired.

CREDIT(S)

V.T.C.A., Government Code § 572.021

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Government Code [\(Refs & Annos\)](#)

Title 5. Open Government; Ethics [\(Refs & Annos\)](#)

Subtitle B. Ethics

▣ [Chapter 572](#). Personal Financial Disclosure, Standards of Conduct, and Conflict of Interest [\(Refs & Annos\)](#)

▣ [Subchapter B](#). Personal Financial Statement

➡ **§ 572.021. Financial Statement Required**

Except as provided by [Section 572.0211](#), a state officer, a partisan or independent candidate for an office as an elected officer, and a state party chair shall file with the commission a verified financial statement complying with [Sections 572.022](#) through [572.0252](#).

V.T.C.A., Government Code § 572.058

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Government Code [\(Refs & Annos\)](#)

Title 5. Open Government; Ethics [\(Refs & Annos\)](#)

Subtitle B. Ethics

☞ [Chapter 572](#). Personal Financial Disclosure, Standards of Conduct, and Conflict of Interest ([Refs & Annos](#))

☞ [Subchapter C](#). Standards of Conduct and Conflict of Interest Provisions

☛ **§ 572.058. Private Interest in Measure or Decision; Disclosure; Removal from Office for Violation**

(a) An elected or appointed officer, other than an officer subject to impeachment under [Article XV, Section 2, of the Texas Constitution](#), who is a member of a board or commission having policy direction over a state agency and who has a personal or private interest in a measure, proposal, or decision pending before the board or commission shall publicly disclose the fact to the board or commission in a meeting called and held in compliance with Chapter 551. The officer may not vote or otherwise participate in the decision. The disclosure shall be entered in the minutes of the meeting.

(b) An individual who violates this section is subject to removal from office on the petition of the attorney general on the attorney general's own initiative or on the relation of a resident or of any other member of the board or commission. The suit must be brought in a district court of Travis County or of the county where the violation is alleged to have been committed.

(c) If the court or jury finds from a preponderance of the evidence that the defendant violated this section and that an ordinary prudent person would have known the individual's conduct to be a violation of this section, the court shall enter judgment removing the defendant from office.

(d) A suit under this section must be brought before the second anniversary of the date the violation is alleged to have been committed, or the suit is barred.

(e) The remedy provided by this section is cumulative of other methods of removal from office provided by the Texas Constitution or a statute of this state.

(f) In this section, "personal or private interest" has the same meaning as is given to it under [Article III, Section 22, of the Texas Constitution](#), governing the conduct of members of the legislature. For purposes of this section, an individual does not have a "personal or private interest" in a measure, proposal, or decision if the individual is engaged in a profession, trade, or occupation and the individual's interest is the same as all others similarly engaged in the profession, trade, or occupation.

CREDIT(S)

Added by [Acts 1993, 73rd Leg., ch. 268, § 1, eff. Sept. 1, 1993](#).

V.T.C.A., Penal Code § 39.02

Vernon's Texas Statutes and Codes Annotated [Currentness](#)

Penal Code ([Refs & Annos](#))

Title 8. Offenses Against Public Administration

☞ [Chapter 39](#). Abuse of Office ([Refs & Annos](#))

☛ **§ 39.02. Abuse of Official Capacity**

(a) A public servant commits an offense if, with intent to obtain a benefit or with intent to harm or defraud another, he intentionally or knowingly:

(1) violates a law relating to the public servant's office or employment; or

(2) misuses government property, services, personnel, or any other thing of value belonging to the government that has come into the public servant's custody or possession by virtue of the public servant's office or employment.

(b) An offense under Subsection (a)(1) is a Class A misdemeanor.

(c) An offense under Subsection (a)(2) is:

(1) a Class C misdemeanor if the value of the use of the thing misused is less than \$20;

(2) a Class B misdemeanor if the value of the use of the thing misused is \$20 or more but less than \$500 ;

- (3) a Class A misdemeanor if the value of the use of the thing misused is \$500 or more but less than \$1,500;
- (4) a state jail felony if the value of the use of the thing misused is \$1,500 or more but less than \$20,000;
- (5) a felony of the third degree if the value of the use of the thing misused is \$20,000 or more but less than \$100,000;
- (6) a felony of the second degree if the value of the use of the thing misused is \$100,000 or more but less than \$200,000; or
- (7) a felony of the first degree if the value of the use of the thing misused is \$200,000 or more.

(d) A discount or award given for travel, such as frequent flyer miles, rental car or hotel discounts, or food coupons, are not things of value belonging to the government for purposes of this section due to the administrative difficulty and cost involved in recapturing the discount or award for a governmental entity.

CREDIT(S)

Acts 1973, 63rd Leg., p. 883, ch. 399, § 1, eff. Jan. 1, 1974. Amended by Acts 1983, 68th Leg., p. 3241, ch. 558, § 7, eff. Sept. 1, 1983. Renumbered from [V.T.C.A., Penal Code § 39.01](#) and amended by [Acts 1993, 73rd Leg., ch. 900, § 1.01, eff. Sept. 1, 1994](#).