

By: Canales

H.B. No. 2733

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the criminal offenses of prohibited barratry and solicitation of professional employment.

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

SECTION 1. Sections 38.12(a) and (d), Penal Code, are amended to read as follows:

(a) A person commits an offense if, with intent to obtain an economic benefit the person:

(1) knowingly institutes a suit or claim that the person has not been authorized to pursue;

(2) solicits employment, ~~[either]~~ in person, ~~[or]~~ by telephone, through a direct message on a social media platform, or by another electronic communication, for the person ~~[himself]~~ or for another;

(3) pays, gives, or advances or offers to pay, give, or advance to a prospective client money or anything of value to obtain employment as a professional from the prospective client;

(4) pays or gives or offers to pay or give a person money or anything of value to solicit employment;

(5) pays or gives or offers to pay or give a family member of a prospective client money or anything of value to solicit employment; or

(6) accepts or agrees to accept money or anything of value to solicit employment.

(d) A person commits an offense if the person:

(1) is an attorney, chiropractor, physician, surgeon, or private investigator licensed to practice in this state or any person licensed, certified, or registered by a health care regulatory agency of this state; and

(2) with the intent to obtain professional employment for the person or for another, provides or knowingly permits to be provided to an individual who has not sought the person's employment, legal representation, advice, or care, a written communication or a solicitation, including a solicitation in person, ~~or~~ by telephone, through a direct message on a social media platform, or by another electronic communication that:

(A) concerns an action for personal injury or wrongful death or otherwise relates to an accident or disaster involving the person to whom the communication or solicitation is provided or a relative of that person and that was provided before the 31st day after the date on which the accident or disaster occurred;

(B) concerns a specific matter and relates to legal representation and the person knows or reasonably should know that the person to whom the communication or solicitation is directed is represented by a lawyer in the matter;

(C) concerns a lawsuit of any kind, including an action for divorce, in which the person to whom the communication or solicitation is provided is a defendant or a relative of that person, unless the lawsuit in which the person is named as a defendant has been on file for more than 31 days before the date on

1 which the communication or solicitation was provided;

2 (D) is provided or permitted to be provided by a
3 person who knows or reasonably should know that the injured person
4 or relative of the injured person has indicated a desire not to be
5 contacted by or receive communications or solicitations concerning
6 employment;

7 (E) involves coercion, duress, fraud,
8 overreaching, harassment, intimidation, or undue influence; or

9 (F) contains a false, fraudulent, misleading,
10 deceptive, or unfair statement or claim.

11 SECTION 2. The changes in law made by this Act apply only to
12 an offense committed on or after the effective date of this Act. An
13 offense committed before the effective date of this Act is governed
14 by the law in effect on the date the offense was committed, and the
15 former law is continued in effect for that purpose. For purposes of
16 this section, an offense was committed before the effective date of
17 this Act if any element of the offense was committed before that
18 date.

19 SECTION 3. This Act takes effect September 1, 2025.