

By: Bettencourt
(Smithee)

S.B. No. 1433

A BILL TO BE ENTITLED

AN ACT

relating to the assertion of legislative privilege by the attorney general in certain legal challenges to the constitutionality of state statutes.

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

SECTION 1. Section 402.010, Government Code, is amended by adding Subsections (e), (f), and (g) to read as follows:

(e) The attorney general may assert legislative privilege on behalf of the state or a state agency or official during discovery, hearing, or trial in an action described by this section unless asserting the privilege would create a conflict in the attorney general's representation of the state or a state agency or official.

(f) The attorney general has 30 days from the date legislative privilege is asserted under Subsection (e) to provide evidence of representation of the state or a state agency or official who may properly assert the privilege. The provision of evidence of that representation on or before that date establishes the attorney general's authority to assert legislative privilege under Subsection (e).

(g) The attorney general's authority under Subsection (e) is not exclusive and does not affect another person's ability to assert legislative privilege in any matter.

SECTION 2. This Act takes effect September 1, 2025.