

BILL ANALYSIS

Senate Research Center

H.B. 2596
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State Affairs
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Legislators often have conflicting demands on their time during a legislative session. Scheduling even brief meetings can be difficult. An additional demand upon a legislator's time occurs when he or she is called upon to testify or give a deposition in court. Doing so forces the legislator to set aside the responsibility to represent his or her constituents. H.B. 2596 excuses legislators from being compelled to testify or give a deposition in a civil action in the state courts when the legislature is in session. The legislation takes into account the unanticipated changes in schedule of the house of representatives and the senate and the various committees of each.

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 Chapter 30, Civil Practice and Remedies Code, by adding Section 30.0035, as follows:

Sec. 30.0035. TESTIMONY OR DEPOSITION OF MEMBER OF LEGISLATURE.

(a) Sets forth to which proceedings in which matters this section applies.

(b) Requires the court or other officer before whom the matter is pending, at any time when the legislature is in session, on application of a member of the legislature who has been called to testify as a witness or to give deposition in a proceeding, or who in discovery has been named as a potential witness by a party to a matter, to excuse the member from being compelled to testify as a witness or to give a deposition.

(c) Requires a member of the legislature seeking to be excused under this section to file a request for the excuse with the court or other officer before whom the matter is pending. Requires the court or other officer, on receipt of the request, to excuse the member from being compelled to give testimony or deposition in the proceeding until a time and place agreed to by the person or until a date not earlier than the fifth day after the date the legislative session ends.

(d) Provides that this section does not diminish or affect any immunity or privilege of a member of the legislature under other law, including the constitution or common law.

SECTION 2. Effective date: September 1, 2005.