

By: Guillen

H.B. No. 2596

A BILL TO BE ENTITLED

1 AN ACT

2 relating to excusing a member of the legislature from being
3 compelled to testify or give a deposition in a civil suit, including
4 a condemnation proceeding, or in a contested administrative case
5 when the legislature is in session.

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

7 SECTION 1. Chapter 30, Civil Practice and Remedies Code, is
8 amended by adding Section 30.0035 to read as follows:

9 Sec. 30.0035. TESTIMONY OR DEPOSITION OF MEMBER OF
10 LEGISLATURE. (a) This section applies to any proceeding in the
11 following matters:

12 (1) a civil suit, or any matter ancillary to a civil
13 suit, including:

14 (A) a matter of probate; or

15 (B) a condemnation proceeding conducted under
16 Chapter 21, Property Code, or other law; and

17 (2) a contested case, as defined by Section 2001.003,
18 Government Code, conducted before a state agency, as defined by
19 that section, including the State Office of Administrative
20 Hearings.

21 (b) At any time when the legislature is in session, on
22 application of a member of the legislature who has been called, by
23 subpoena or other method, to testify as a witness or to give a
24 deposition in a proceeding, or who in discovery has been named as a

1 potential witness by a party to a matter, the court or other officer
2 before whom the matter is pending shall as provided by this section
3 excuse the member from being compelled to testify as a witness or to
4 give a deposition.

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

13 (d) This section does not diminish or affect any immunity or
14 privilege of a member of the legislature under other law, including
15 the constitution or common law.

16 SECTION 2. This Act takes effect September 1, 2005.