

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 when the
4 legislature is in session.

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

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

8 Sec. 30.0035. TESTIMONY OR DEPOSITION OF MEMBER OF
9 LEGISLATURE. (a) This section applies to a civil suit, including a
10 matter of probate, and to any matter ancillary to a civil suit at
11 which the testimony of a witness may be taken or in which a person
12 may be required to give a deposition.

13 (b) This section does not apply to a person who is a party to
14 the suit in which the person is called to testify or give a
15 deposition.

16 (c) At any time when the legislature is in session, on
17 application of a member of the legislature who has been called, by
18 subpoena or other method, to testify as a witness or to give a
19 deposition, or who in discovery has been named as a potential
20 witness by a party, the court in which the suit is pending shall
21 excuse the person from being compelled to testify as a witness or to
22 give a deposition as provided by this section.

23 (d) A member of the legislature seeking to be excused under
24 this section must file a request for the excuse with the court. On

1 receipt of the request, the court shall excuse the member from being
2 compelled to give testimony or a deposition in the suit until a time
3 and place agreed to by the person or until a date not earlier than
4 the fifth day after the date the legislative session ends.

5 (e) This section does not diminish or affect any immunity or
6 privilege of a member of the legislature under other law, including
7 the constitution or common law.

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