

By: Guillen

H.B. No. 965

Substitute the following for H.B. No. 965:

By: Cook of Navarro

C.S.H.B. No. 965

A BILL TO BE ENTITLED

AN ACT

relating to excusing a member of the legislature from being compelled to testify or give a deposition in a civil suit when the legislature is in session.

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

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

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

(b) This section does not apply to a contested case, as defined by Section 2001.003, Government Code, or other proceeding before a state agency.

(c) This section does not apply to a member of the legislature who is a party to the suit in which the person is called to testify or give a deposition.

(d) At any time when the legislature is in session, on application of a member of the legislature who has been called, by subpoena or other method, to testify as a witness or to give a deposition in a suit to which this section applies, or who in discovery has been named as a potential witness by a party to the suit, the court in which the suit is pending shall excuse the member

1 from being compelled to testify as a witness or to give a deposition
2 as provided by this section.

3 (e) A member of the legislature seeking to be excused under
4 this section must file a request for the excuse with the court in
5 which the suit is pending. On receipt of the request, the court
6 shall excuse the member from being compelled to give testimony or a
7 deposition in the suit until a time and place agreed to by the
8 member or until a date not earlier than the fifth day after the date
9 the legislative session ends.

10 (f) This section does not diminish or affect any immunity or
11 privilege of a member of the legislature under other law, including
12 the constitution or common law.

13 SECTION 2. This Act takes effect September 1, 2007.