

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

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 or condemnation proceeding, and to any matter  
11 ancillary to a civil suit at which the testimony of a witness may be  
12 taken or in which a person may be required to give a deposition.

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

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

19 (d) At any time when the legislature is in session, on  
20 application of a member of the legislature who has been called, by  
21 subpoena or other method, to testify as a witness or to give a  
22 deposition in a suit to which this section applies, or who in  
23 discovery has been named as a potential witness by a party to the  
24 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.