

By: Guillen

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 or contested case 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) In this section, "contested case" has the meaning provided by Section 2001.003, Government Code.

(b) This section applies to:

(1) 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; and

(2) a contested case before a state agency.

(c) This section does not apply to a member of the legislature who is a party to the suit or contested case 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 or contested case to which this section applies, or who in discovery has been named as a potential witness

1 by a party to the suit or contested case, the court in which the suit
2 is pending or the official conducting the contested case hearing,
3 as applicable, shall excuse the member from being compelled to
4 testify as a witness or to give a deposition as provided by this
5 section.

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

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

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