

By: Watson

S.B. No. 1385

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the use of certain audio or video material produced by
3 or under the direction of an appellate court; providing penalties.

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

5 SECTION 1. Subchapter D, Chapter 22, Government Code, is
6 amended by adding Sections 22.303 and 22.304 to read as follows:

7 Sec. 22.303. USE OF COURT PRODUCED AUDIO OR VIDEO MATERIALS
8 IN POLITICAL ADVERTISING PROHIBITED. (a) A person may not use
9 audio or video materials produced by or under the direction of an
10 appellate court in political advertising.

11 (b) For purposes of Section 571.122, this section is a law
12 administered and enforced by the Texas Ethics Commission. After a
13 formal hearing held as provided by Subchapter E, Chapter 571, the
14 commission may impose a civil penalty against a person who violates
15 this section. The amount of the penalty may not exceed \$5,000 for
16 each violation.

17 (c) Subsection (a) does not prohibit describing or quoting
18 the verbal content of the audio or video materials in political
19 advertising.

20 (d) In this section, "political advertising" has the
21 meaning assigned by Section 251.001, Election Code.

22 Sec. 22.304. COMMERCIAL USE OF COURT PRODUCED AUDIO OR
23 VIDEO MATERIALS. (a) A person may not use audio or video materials
24 produced by or under the direction of an appellate court for a

1 commercial purpose unless the court that produced the audio or
2 video materials or under whose direction the audio or video
3 materials were produced gives written permission for the person's
4 commercial use and:

5 (1) the person uses the audio or video materials only
6 for educational or public affairs programming, including news
7 programming, that does not also constitute a use prohibited under
8 Section 22.303; or

9 (2) the person transmits to paid subscribers an
10 unedited feed of the audio or video materials.

11 (b) A person who violates Subsection (a) commits an offense.
12 An offense under this subsection is a Class C misdemeanor.

13 (c) An appellate court is not required to give its
14 permission to a person to use the materials for a purpose described
15 by Subsection (a)(2) and may limit the number of persons to whom it
16 grants permission to use the materials for a purpose described by
17 Subsection (a)(2).

18 (d) Subsection (a) does not prohibit compiling, describing,
19 quoting from, analyzing, or researching the verbal content of the
20 audio or video materials for a commercial purpose.

21 (e) In addition to the criminal penalty that may be imposed
22 under Subsection (b), the attorney general shall enforce this
23 section at the request of an appellate court by bringing a civil
24 action to enjoin a violation of Subsection (a).

25 (f) In this section, "commercial purpose" means a purpose
26 that is intended to result in a profit or other tangible benefit.

27 SECTION 2. Sections 22.303 and 22.304, Government Code, as

1 added by this Act, apply to conduct occurring on or after the
2 effective date of this Act, regardless of the date the audio or
3 video materials involved in the conduct were produced.

4 SECTION 3. This Act takes effect September 1, 2007.