

By: Watson

S.B. No. 1385

A BILL TO BE ENTITLED

AN ACT

relating to the use of audio or visual materials produced by or under the direction of an appellate court; providing penalties.

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

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

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

(b) After a formal hearing held as provided by Subchapter E, Chapter 571, the Texas Ethics Commission may impose a civil penalty against a person who violates this section. The amount of the penalty may not exceed \$5,000 for each violation.

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

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

Sec. 22.304. COMMERCIAL USE OF COURT-PRODUCED AUDIO OR VISUAL MATERIALS. (a) A person may not use audio or visual materials produced by or under the direction of an appellate court for a commercial purpose unless the court that produced the audio or visual materials or under whose direction the audio or visual

1 materials were produced gives its written permission for the  
2 person's commercial use and:

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

7 (2) the person transmits to paid subscribers an  
8 unedited feed of the audio or visual materials.

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

11 (c) A court is not required to give its permission to any  
12 person to use the materials for a purpose described by Subsection  
13 (a)(2) and may limit the number of persons to whom it gives its  
14 permission to use the materials for a purpose described by  
15 Subsection (a)(2).

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

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

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

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