

House Bill 3515
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Chapter 38, Penal Code, is amended by adding Section 38.121 to read as follows:

Sec. 38.121. FAILURE TO REPORT BARRATRY OR SOLICITATION OF EMPLOYMENT. (a) A lawyer commits an offense if the lawyer, during the course of representation of a client:

(1) acquires knowledge that would reasonably cause a lawyer to believe that a person, other than a lawyer subject to the Texas Disciplinary Rules of Professional Conduct, has engaged in conduct that constitutes an offense under Section 38.12; and

(2) fails to report the knowledge to the State Bar of Texas not later than the 45th business day after the lawyer acquires the knowledge.

(b) An offense under this section is a Class C misdemeanor.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

SENATE VERSION

SECTION 1. Chapter 38, Penal Code, is amended by adding Section 38.121 to read as follows:

Sec. 38.121. FAILURE TO REPORT BARRATRY OR SOLICITATION OF EMPLOYMENT. (a) A lawyer commits an offense if the lawyer, during the course of representation of a client:

(1) acquires knowledge that would reasonably cause a lawyer to believe that a person, other than a lawyer subject to the Texas Disciplinary Rules of Professional Conduct, while acting on behalf of a lawyer, has engaged in conduct that constitutes an offense under Section 38.12; and

(2) fails to report the knowledge to the State Bar of Texas not later than the 45th business day after the lawyer acquires the knowledge.

(b) An offense under this section is a Class C misdemeanor.

Same as House version.

CONFERENCE