



FLOOR AMENDMENT NO. _____ 13 MAY 19 AM 9:17

BY:

HOUSE OF REPRESENTATIVES

1 Amend C.S.S.B. No. 219 by adding the following
2 appropriately numbered ARTICLE to the bill and renumbering the
3 other ARTICLES and SECTIONS of the bill accordingly:

4 ARTICLE ____ . LEGISLATIVE TESTIMONY OR EVIDENCE REGARDING
5 CONDUCT OF PUBLIC SERVANTS

6 SECTION ____ .01. Section 301.025, Government Code, is
7 amended by adding Subsection (e) to read as follows:

8 (e) Subsections (a), (b), and (c) of this section do not
9 apply to testimony or evidence that relates to the conduct of an
10 officer or employee of this state or of a political subdivision
11 of this state.

12 SECTION ____ .02. Subchapter B, Chapter 301, Government
13 Code, is amended by adding Section 301.0251 to read as follows:

14 Sec. 301.0251. TESTIMONY OR EVIDENCE REGARDING CONDUCT OF
15 PUBLIC SERVANT. (a) Except as provided by Subsection (b), a
16 witness who appears before either house of the legislature or
17 before a legislative committee may not for any reason refuse to
18 testify to a fact or produce a document or other evidence that
19 relates to the conduct of an officer or employee of this state
20 or of a political subdivision of this state.

21 (b) Subject to Subsections (c) and (d), a witness called
22 by either house or by a legislative committee may refuse to
23 testify to a fact or produce a document or other evidence that
24 relates to the conduct of an officer or employee of this state
25 or of a political subdivision of this state on the ground that
26 the testimony or evidence may incriminate the person.

27 (c) The legislature or a house of the legislature may, by
28 written order adopted by the legislature or appropriate house
29 and signed by the appropriate presiding officer or officers,

1 require a person to testify to a fact or produce a document or
2 other evidence before either house or a legislative committee if
3 that testimony or evidence relates to the conduct of an officer
4 or employee of this state or of a political subdivision of this
5 state, even if the person claims that the testimony or evidence
6 may incriminate the person.

7 (d) A legislative committee with authority to issue a
8 subpoena or other process to compel the attendance of witnesses
9 or the production of evidence may, by written order adopted by
10 the committee and signed by the committee chair, require a
11 person to testify to a fact or produce a document or other
12 evidence that relates to the conduct of an officer or employee
13 of this state or of a political subdivision of this state, even
14 if the person claims that the testimony or evidence may
15 incriminate the person.

16 (e) If a person testifies or produces a document or other
17 evidence as required under Subsection (c) or (d) while claiming
18 that the testimony or evidence may incriminate the person, the
19 testimony or evidence that the person was compelled to give or
20 produce, or any information directly or indirectly derived from
21 that testimony or evidence, may not be used against the person
22 in any criminal prosecution, other than a prosecution for an
23 offense involving perjury, making a false statement, or
24 providing false information.

25 (f) If a person refuses to testify or to produce evidence
26 as permitted by Subsection (b) on the ground that the testimony
27 or evidence may incriminate the person, or a person testifies or
28 produces evidence as required under Subsection (c) or (d) while
29 claiming that the testimony or evidence may incriminate the
30 person, the body receiving that testimony or evidence shall
31 promptly notify the Texas Ethics Commission. If the commission

1 receives notice under this subsection, the commission shall
2 investigate the matter to determine whether a state or local
3 public official may have violated the law of this state. If the
4 commission determines that a state or local public official may
5 have violated the law of this state, the commission shall take
6 appropriate action within the authority of the commission or
7 report the matter to another appropriate entity.