

By: Toth, N. Gonzalez of El Paso, Bell,
Flynn, Riddle, et al.

H.B. No. 758

Substitute the following for H.B. No. 758:

By: Morrison

C.S.H.B. No. 758

A BILL TO BE ENTITLED

1 AN ACT
2 relating to certain legal advice or legal services rendered to
3 certain public servants.

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

5 SECTION 1. Section 36.10, Penal Code, is amended by
6 amending Subsection (a) and adding Subsection (e) to read as
7 follows:

8 (a) Sections 36.08 (Gift to Public Servant) and 36.09
9 (Offering Gift to Public Servant) do not apply to:

10 (1) a fee prescribed by law to be received by a public
11 servant or any other benefit to which the public servant is lawfully
12 entitled or for which he gives legitimate consideration in a
13 capacity other than as a public servant;

14 (2) a gift or other benefit conferred on account of
15 kinship or a personal, professional, or business relationship
16 independent of the official status of the recipient; ~~or~~

17 (3) a benefit to a public servant required to file a
18 statement under Chapter 572, Government Code, or a report under
19 Title 15, Election Code, that is derived from a function in honor or
20 appreciation of the recipient if:

21 (A) the benefit and the source of any benefit in
22 excess of \$50 is reported in the statement; and

23 (B) the benefit is used solely to defray the
24 expenses that accrue in the performance of duties or activities in

1 connection with the office which are nonreimbursable by the state
2 or political subdivision;

3 (4) a political contribution as defined by Title 15,
4 Election Code;

5 (5) a gift, award, or memento to a member of the
6 legislative or executive branch that is required to be reported
7 under Chapter 305, Government Code;

8 (6) an item with a value of less than \$50, excluding
9 cash or a negotiable instrument as described by Section 3.104,
10 Business & Commerce Code;

11 (7) an item issued by a governmental entity that
12 allows the use of property or facilities owned, leased, or operated
13 by the governmental entity; ~~or~~

14 (8) transportation, lodging, and meals described by
15 Section 36.07(b); or

16 (9) complimentary legal advice or legal services
17 relating to a will, power of attorney, advance directive, or other
18 estate planning document rendered to a public servant who is a first
19 responder through a program or clinic that is:

20 (A) operated by a local bar association or the
21 State Bar of Texas; and

22 (B) approved by the head of the agency employing
23 the public servant, if the public servant is employed by an agency.

24 (e) In this section, "first responder" means:

25 (1) a peace officer whose duties include responding
26 rapidly to an emergency;

27 (2) fire protection personnel as that term is defined

1 by Section 419.021, Government Code;

2 (3) a volunteer firefighter who performs firefighting
3 duties on behalf of a political subdivision and is not elected to
4 the Texas Legislature or as a statewide officeholder;

5 (4) an ambulance driver; or

6 (5) an individual certified as emergency medical
7 services personnel by the Department of State Health Services.

8 SECTION 2. The change in law made by this Act applies only
9 to the prosecution of an offense committed on or after the effective
10 date of this Act. The prosecution of an offense committed before
11 the effective date of this Act is covered by the law in effect when
12 the offense was committed, and the former law is continued in effect
13 for this purpose. For purposes of this section, an offense is
14 committed before the effective date of this Act if any element of
15 the offense occurs before the effective date.

16 SECTION 3. This Act takes effect September 1, 2013.