

By: Toth

H.B. No. 758

A BILL TO BE ENTITLED

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

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

5 SECTION 1. Section 36.10(a), Penal Code, is amended to read
6 as follows:

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

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

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

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

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

22 (B) the benefit is used solely to defray the
23 expenses that accrue in the performance of duties or activities in
24 connection with the office which are nonreimbursable by the state

1 or political subdivision;

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

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

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

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

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

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

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

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

23 SECTION 2. The change in law made by this Act applies only
24 to the prosecution of an offense committed on or after the effective
25 date of this Act. The prosecution of an offense committed before
26 the effective date of this Act is covered by the law in effect when
27 the offense was committed, and the former law is continued in effect

1 for this purpose. For purposes of this section, an offense is
2 committed before the effective date of this Act if any element of
3 the offense occurs before the effective date.

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