

By: Williams, et al.
(Toth)

S.B. No. 148

Substitute the following for S.B. No. 148:

By: Morrison

C.S.S.B. No. 148

A BILL TO BE ENTITLED

AN ACT

relating to certain legal advice or legal services rendered to
certain public servants.

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

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

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

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

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

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

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

(B) the benefit is used solely to defray the
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:

19 (A) to a public servant who is a first responder;
20 and

21 (B) through a program or clinic that is:
22 (i) operated by a local bar association or
23 the State Bar of Texas; and

24 (ii) approved by the head of the agency
25 employing the public servant, if the public servant is employed by
26 an agency.

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

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

3 (2) fire protection personnel, as that term is defined
4 by Section 419.021, Government Code;

5 (3) a volunteer firefighter who performs firefighting
6 duties on behalf of a political subdivision and who is not serving
7 as a member of the Texas Legislature or holding a statewide elected
8 office;

9 (4) an ambulance driver; or

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

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

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