

1-1 By: Williams, Nichols S.B. No. 148
1-2 (In the Senate - Filed December 18, 2012; January 29, 2013,
1-3 read first time and referred to Committee on State Affairs;
1-4 February 27, 2013, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 8, Nays 0;
1-6 February 27, 2013, sent to printer.)

1-7 COMMITTEE VOTE

1-8	Yea	Nay	Absent	PNV
1-9	Duncan	X		
1-10	Deuell	X		
1-11	Ellis	X		
1-12	Fraser	X		
1-13	Huffman		X	
1-14	Lucio	X		
1-15	Nichols	X		
1-16	Van de Putte	X		
1-17	Williams	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 148 By: Williams

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to certain legal advice or legal services rendered to
1-22 certain public servants.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 36.10, Penal Code, is amended by
1-25 amending Subsection (a) and adding Subsection (e) to read as
1-26 follows:

1-27 (a) Sections 36.08 (Gift to Public Servant) and 36.09
1-28 (Offering Gift to Public Servant) do not apply to:

1-29 (1) a fee prescribed by law to be received by a public
1-30 servant or any other benefit to which the public servant is lawfully
1-31 entitled or for which he gives legitimate consideration in a
1-32 capacity other than as a public servant;

1-33 (2) a gift or other benefit conferred on account of
1-34 kinship or a personal, professional, or business relationship
1-35 independent of the official status of the recipient; ~~or~~

1-36 (3) a benefit to a public servant required to file a
1-37 statement under Chapter 572, Government Code, or a report under
1-38 Title 15, Election Code, that is derived from a function in honor or
1-39 appreciation of the recipient if:

1-40 (A) the benefit and the source of any benefit in
1-41 excess of \$50 is reported in the statement; and

1-42 (B) the benefit is used solely to defray the
1-43 expenses that accrue in the performance of duties or activities in
1-44 connection with the office which are nonreimbursable by the state
1-45 or political subdivision;

1-46 (4) a political contribution as defined by Title 15,
1-47 Election Code;

1-48 (5) a gift, award, or memento to a member of the
1-49 legislative or executive branch that is required to be reported
1-50 under Chapter 305, Government Code;

1-51 (6) an item with a value of less than \$50, excluding
1-52 cash or a negotiable instrument as described by Section 3.104,
1-53 Business & Commerce Code;

1-54 (7) an item issued by a governmental entity that
1-55 allows the use of property or facilities owned, leased, or operated
1-56 by the governmental entity; ~~or~~

1-57 (8) transportation, lodging, and meals described by
1-58 Section 36.07(b); or

1-59 (9) complimentary legal advice or legal services
1-60 relating to a will, power of attorney, advance directive, or other

estate planning document rendered to a public servant who is a first responder through a program or clinic that is:

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

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

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

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

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

(3) a volunteer firefighter who performs firefighting duties on behalf of a political subdivision;

(4) an ambulance driver; or

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

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

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

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