

By: Huffman

S.B. No. 1363

A BILL TO BE ENTITLED

AN ACT

relating to testimony or the production of evidence before the legislature or a legislative committee.

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

SECTION 1. Section 301.025, Government Code, is amended to read as follows:

Sec. 301.025. REQUIRING WITNESS ~~[REFUSAL]~~ TO TESTIFY OR PRODUCE EVIDENCE; IMMUNITY; COUNSEL. (a) A witness called by the legislature, by either house of the legislature, or by a legislative committee may ~~[does]~~ not ~~[have a privilege to]~~ refuse to testify to a fact or produce a document or other evidence for any reason, except as provided by Subsection (b) ~~[on the ground that the testimony or document may tend to disgrace the person or otherwise make the person infamous]~~.

(b) Subject to Subsections (c) and (d), a witness called by the legislature, by either house, or by a legislative committee may refuse to testify to a fact or produce a document or other evidence on the ground that the testimony or evidence may incriminate the person.

(c) The legislature or a house of the legislature may, by written order adopted by the legislature or appropriate house and signed by the appropriate presiding officer or officers, require a person to testify or produce a document or other evidence concerning a matter under inquiry before either house or a

1 legislative committee even if the person claims that the testimony
2 or evidence [~~document~~] may incriminate the person [~~him~~].

3 (d) A legislative committee with authority to issue a
4 subpoena or other process to compel the attendance of witnesses or
5 the production of evidence may, by written order adopted by the
6 committee and signed by the committee chair, require a person to
7 testify or produce a document or other evidence concerning a matter
8 under inquiry before the committee even if the person claims that
9 the testimony or evidence may incriminate the person.

10 (e) [~~(c)~~] If a person testifies or produces a document or
11 other evidence as required under Subsection (c) or (d) while
12 claiming that the testimony or evidence [~~document~~] may incriminate
13 the person [~~him~~], the testimony or evidence that the person was
14 compelled to produce, or any information directly or indirectly
15 derived from that testimony or evidence, may not be used against the
16 person in any criminal prosecution, other than a prosecution for
17 any offense involving perjury or making a false statement or
18 providing false information [~~person may not be indicted or~~
19 ~~prosecuted for any transaction, matter, or thing about which the~~
20 ~~person truthfully testified or produced evidence~~].

21 (f) [~~(d)~~] A witness has a right to counsel when testifying
22 before the legislature, either house of the legislature, or a
23 legislative committee.

24 SECTION 2. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2013.