

1-1 By: Huffman S.B. No. 1363
1-2 (In the Senate - Filed March 7, 2013; March 18, 2013, read
1-3 first time and referred to Committee on State Affairs;
1-4 April 8, 2013, reported favorably by the following vote: Yeas 8,
1-5 Nays 0; April 8, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9			X	
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to testimony or the production of evidence before the
1-20 legislature or a legislative committee.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 301.025, Government Code, is amended to
1-23 read as follows:

1-24 Sec. 301.025. REQUIRING WITNESS [REFUSAL] TO TESTIFY OR
1-25 PRODUCE EVIDENCE; IMMUNITY; COUNSEL. (a) A witness called by the
1-26 legislature, by either house of the legislature, or by a
1-27 legislative committee may [does] not [have a privilege to] refuse
1-28 to testify to a fact or produce a document or other evidence for any
1-29 reason, except as provided by Subsection (b) [on the ground that the
1-30 testimony or document may tend to disgrace the person or otherwise
1-31 make the person infamous].

1-32 (b) Subject to Subsections (c) and (d), a witness called by
1-33 the legislature, by either house, or by a legislative committee may
1-34 refuse to testify to a fact or produce a document or other evidence
1-35 on the ground that the testimony or evidence may incriminate the
1-36 person.

1-37 (c) The legislature or a house of the legislature may, by
1-38 written order adopted by the legislature or appropriate house and
1-39 signed by the appropriate presiding officer or officers, require a
1-40 person to testify or produce a document or other evidence
1-41 concerning a matter under inquiry before either house or a
1-42 legislative committee even if the person claims that the testimony
1-43 or evidence [document] may incriminate the person [him].

1-44 (d) A legislative committee with authority to issue a
1-45 subpoena or other process to compel the attendance of witnesses or
1-46 the production of evidence may, by written order adopted by the
1-47 committee and signed by the committee chair, require a person to
1-48 testify or produce a document or other evidence concerning a matter
1-49 under inquiry before the committee even if the person claims that
1-50 the testimony or evidence may incriminate the person.

1-51 (e) [~~(e)~~] If a person testifies or produces a document or
1-52 other evidence as required under Subsection (c) or (d) while
1-53 claiming that the testimony or evidence [document] may incriminate
1-54 the person [him], the testimony or evidence that the person was
1-55 compelled to produce, or any information directly or indirectly
1-56 derived from that testimony or evidence, may not be used against the
1-57 person in any criminal prosecution, other than a prosecution for
1-58 any offense involving perjury or making a false statement or
1-59 providing false information [person may not be indicted or
1-60 prosecuted for any transaction, matter, or thing about which the
1-61 person truthfully testified or produced evidence].

2-1 (f) [~~(d)~~] A witness has a right to counsel when testifying
2-2 before the legislature, either house of the legislature, or a
2-3 legislative committee.

2-4 SECTION 2. This Act takes effect immediately if it receives
2-5 a vote of two-thirds of all the members elected to each house, as
2-6 provided by Section 39, Article III, Texas Constitution. If this
2-7 Act does not receive the vote necessary for immediate effect, this
2-8 Act takes effect September 1, 2013.

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