

1-1 By: Huffman S.B. No. 372
 1-2 (In the Senate - Filed January 10, 2023; February 15, 2023,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 March 3, 2023, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; March 3, 2023,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|------|-----|-----|--------|-----|
| 1-8 | | | | |
| 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 | X | | | |
| 1-18 | X | | | |
| 1-19 | X | | | |

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 372 By: Zaffirini

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to creating a criminal offense for the unauthorized
 1-24 disclosure of non-public judicial opinions and judicial work
 1-25 product.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Chapter 21, Government Code, is amended by
 1-28 adding Section 21.013 to read as follows:

1-29 Sec. 21.013. CONFIDENTIALITY OF JUDICIAL WORK PRODUCT;
 1-30 CRIMINAL OFFENSE. (a) In this section:

1-31 (1) "Judicial work product" means written,
 1-32 electronic, or oral material prepared or communications made in the
 1-33 course of an adjudicatory proceeding before a court determining
 1-34 legal rights, powers, duties, or privileges. The term includes all
 1-35 drafts of opinions or orders and memoranda of law.

1-36 (2) "Non-public judicial work product" means:

1-37 (A) any written or electronic judicial work
 1-38 product other than documents filed with the clerk of a court for
 1-39 release to the public; or

1-40 (B) any oral statement relating to judicial work
 1-41 product made in a closed session of a court or in judicial chambers.

1-42 (b) This section applies to:

1-43 (1) a court established under Section 1, Article V,
 1-44 Texas Constitution, other than a commissioners court; and

1-45 (2) a court subject to this subtitle.

1-46 (c) A justice or judge of a court shall comply with supreme
 1-47 court rules governing the confidentiality of non-public judicial
 1-48 work product.

1-49 (d) A person, other than a justice or judge, who is involved
 1-50 in crafting an opinion or decision for an adjudicatory proceeding,
 1-51 including a court staff attorney, court clerk, or law clerk, shall
 1-52 maintain the confidentiality of all non-public judicial work
 1-53 product in accordance with supreme court rules.

1-54 (e) A person, other than a justice or judge, with access to
 1-55 non-public judicial work product commits an offense if the person
 1-56 knowingly discloses, wholly or partly, the contents of any
 1-57 non-public judicial work product to a person who is not a justice,
 1-58 judge, court staff attorney, court clerk, law clerk, employee of an
 1-59 agency established under Chapter 71 or 72, or other court staff
 1-60 routinely involved in crafting an opinion or decision for an

2-1 adjudicatory proceeding.

2-2 (f) An offense under this section is a Class A misdemeanor.

2-3 (g) It is a defense to prosecution under this section that
2-4 the disclosure of the non-public judicial work product is
2-5 authorized:

2-6 (1) in writing by the justice or judge for whom the
2-7 work product is prepared; or

2-8 (2) under supreme court rules.

2-9 SECTION 2. As soon as practicable after the effective date
2-10 of this Act, the Texas Supreme Court shall adopt any rules necessary
2-11 to implement Section 21.013, Government Code, as added by this Act.

2-12 SECTION 3. This Act takes effect September 1, 2023.

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