

By: Huffman

S.B. No. 34

A BILL TO BE ENTITLED

AN ACT

relating to testimony or the production of evidence before a house of 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 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 Subsection (c), a witness called by either house of the legislature 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) A house of the ~~[The]~~ legislature or a legislative committee may require a person to testify or produce a document or other evidence concerning a matter under inquiry before that ~~[either]~~ house or ~~[a legislative]~~ committee even if the person claims that the testimony or evidence ~~[document]~~ may incriminate the person ~~[him]~~.

1 (d) [~~(e)~~] If a person testifies or produces a document or
2 other evidence as required under Subsection (c) while claiming that
3 the testimony or evidence [~~document~~] may incriminate the person
4 [~~him~~], the testimony or evidence that the person was compelled to
5 produce, or any information directly or indirectly derived from
6 that testimony or evidence, may not be used against the person in
7 any criminal prosecution, other than a prosecution for any offense
8 involving perjury, making a false statement, or providing false
9 information [~~person may not be indicted or prosecuted for any~~
10 ~~transaction, matter, or thing about which the person truthfully~~
11 ~~testified or produced evidence~~].

12 (e) [~~(d)~~] A witness has a right to counsel when testifying
13 before either house of the legislature or a legislative committee.

14 SECTION 2. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect on the 91st day after the last day of the
19 legislative session.