

By: Bettencourt

S.B. No. 1433

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the assertion of legislative privilege by the attorney
3 general in certain legal challenges to the constitutionality of
4 state statutes.

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

6 SECTION 1. Section 402.010, Government Code, is amended by
7 adding Subsections (e), (f), and (g) to read as follows:

8 (e) The attorney general may assert legislative privilege
9 on behalf of the state or a state agency or official during
10 discovery, hearing, or trial in an action described by this section
11 unless asserting the privilege would create a conflict in the
12 attorney general's representation of the state or a state agency or
13 official.

14 (f) The attorney general has 30 days from the date
15 legislative privilege is asserted under Subsection (e) to provide
16 evidence of representation of the state or a state agency or
17 official who may properly assert the privilege. The provision of
18 evidence of that representation on or before that date establishes
19 the attorney general's authority to assert legislative privilege
20 under Subsection (e).

21 (g) The attorney general's authority under Subsection (e)
22 is not exclusive and does not affect another person's ability to
23 assert legislative privilege in any matter.

24 SECTION 2. This Act takes effect September 1, 2025.