

BILL ANALYSIS

C.S.H.B. 1531
By: Geren
General Investigating & Ethics
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties assert that a member of the legislature or an executive officer elected in a statewide election who also is an attorney and practices law as a profession may benefit personally from receiving legal referrals because of that individual's capacity as an elected official. A lack of disclosure regarding these matters potentially can lead to conflicts of interest between the individual's personal profession and the individual's responsibilities as an elected official and can adversely affect the public's trust. C.S.H.B. 1531 seeks to address this issue.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1531 amends the Government Code to authorize a member of the legislature or an executive officer elected in a statewide election who is a member of the State Bar of Texas or who is licensed to practice law in another state, a federal court, or a United States territory to make or receive a referral for legal services for monetary compensation or any other benefit only if the referral complies with the rules of the State Bar of Texas and is evidenced by a written contract between the parties who are subject to the referral. The bill makes it a Class A misdemeanor for a person to violate the bill's provisions.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1531 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter C, Chapter 572, Government Code, is amended by adding

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter C, Chapter 572, Government Code, is amended by adding

84R 20665

15.92.758

Substitute Document Number: 84R 15417

Section 572.063 to read as follows:

Sec. 572.063. CERTAIN REFERRALS FOR LEGAL SERVICES PROHIBITED.

(a) A member of the legislature or an executive officer elected in a statewide election who is a member of the State Bar of Texas or who is licensed to practice law in another state or a United States territory may not make or receive any referral for legal services for monetary compensation or any other benefit.

(b) An offense under this section is a Class B misdemeanor.

SECTION 2. The change in law made by this Act applies only to conduct that occurred on or after the effective date of this Act. Conduct that occurred before the effective date of this Act is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose. For purposes of this section, conduct occurred before the effective date of this Act if any part of the conduct occurred before that date.

SECTION 3. This Act takes effect September 1, 2015.

Section 572.063 to read as follows:

Sec. 572.063. CERTAIN REFERRALS FOR LEGAL SERVICES PROHIBITED.

(a) A member of the legislature or an executive officer elected in a statewide election who is a member of the State Bar of Texas or who is licensed to practice law in another state, a federal court, or a United States territory may make or receive a referral for legal services for monetary compensation or any other benefit only if the referral:

(1) complies with the rules of the State Bar of Texas; and

(2) is evidenced by a written contract between the parties who are subject to the referral.

(b) A person commits an offense if the person violates this section.

An offense under this section is a Class A misdemeanor.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.