

BILL ANALYSIS

H.B. 3515
By: Dunnam
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under Texas law, barratry or the solicitation of employment by a lawyer is a third-degree felony. Despite the severity of such a crime, lawyers or their representatives occasionally contact accident victims to solicit employment within 30 days of the accident. Citizens involved in an accident should be protected from such solicitation, but many are unaware that the solicitation is illegal and are unlikely to report the inappropriate behavior. Thus, those offenses often go unreported and unpunished.

H.B. 3515 requires a lawyer to report knowledge of barratry or solicitation of employment to a prosecuting attorney and the State Bar of Texas within two business days of obtaining the knowledge.

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

H.B. 3515 amends the Penal Code to create the Class C misdemeanor offense of failure to report barratry or solicitation of employment for a lawyer who, during the course of representation of a client, acquires knowledge that would reasonably cause a lawyer to believe that another lawyer or another person has engaged in conduct that constitutes an offense of barratry or solicitation of professional employment and who fails to report the knowledge to the appropriate prosecuting attorney and the State Bar of Texas not later than the second business day after the lawyer acquires the knowledge.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.