

By: Dunnam

H.B. No. 3515

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the offense of failure to report  
barratry and solicitation of employment.

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

SECTION 1. Chapter 38, Penal Code, is amended by adding  
Section 38.121 to read as follows:

Sec. 32.121. FAILURE TO REPORT BARRATRY OR SOLICITATION OF  
EMPLOYMENT. (a) A lawyer commits an offense if the lawyer, during  
the course of representation of a client:

(1) acquires knowledge that would reasonably cause a  
lawyer to believe that another lawyer or another person has engaged  
in conduct that constitutes an offense under Section 38.12; and

(2) 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.

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

SECTION 2. This Act takes effect immediately if it receives  
a vote of two-thirds of all the members elected to each house, as  
provided by Section 39, Article III, Texas Constitution. If this  
Act does not receive the vote necessary for immediate effect, this  
Act takes effect September 1, 2009.