

1-1 By: Dunnam (Senate Sponsor - Carona) H.B. No. 3515
1-2 (In the Senate - Received from the House April 29, 2009;
1-3 May 4, 2009, read first time and referred to Committee on
1-4 Jurisprudence; May 18, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 May 18, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 3515 By: Carona

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the creation of the offense of failure to report
1-11 barratry and solicitation of employment.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 38, Penal Code, is amended by adding
1-14 Section 38.121 to read as follows:

1-15 Sec. 38.121. FAILURE TO REPORT BARRATRY OR SOLICITATION OF
1-16 EMPLOYMENT. (a) A lawyer commits an offense if the lawyer, during
1-17 the course of representation of a client:

1-18 (1) acquires knowledge that would reasonably cause a
1-19 lawyer to believe that a person, other than a lawyer subject to the
1-20 Texas Disciplinary Rules of Professional Conduct, while acting on
1-21 behalf of a lawyer, has engaged in conduct that constitutes an
1-22 offense under Section 38.12; and

1-23 (2) fails to report the knowledge to the State Bar of
1-24 Texas not later than the 45th business day after the lawyer acquires
1-25 the knowledge.

1-26 (b) An offense under this section is a Class C misdemeanor.

1-27 SECTION 2. This Act takes effect immediately if it receives
1-28 a vote of two-thirds of all the members elected to each house, as
1-29 provided by Section 39, Article III, Texas Constitution. If this
1-30 Act does not receive the vote necessary for immediate effect, this
1-31 Act takes effect September 1, 2009.

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