

(b) *Appointed members* [~~Members~~] of the board serve for six-year terms with the term of one member expiring February 1 of each odd-numbered year. *Ex officio members have the same powers and duties as appointed members.*

SECTION 5. The border region advisory committee established by the Texas Department of Commerce under Section 481.007(b), Government Code, repealed by this Act, is abolished on the effective date of this Act, and all records and property in the custody of the committee shall be transferred to the Texas-Mexico Authority created in Section 481.0075, Government Code, as added by this Act.

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 15, 1991: Yeas 127, Nays 14, 1 present, not voting; the House concurred in Senate amendments to H.B. No. 1029 on May 15, 1991: Yeas 137, Nays 1, 1 present, not voting; passed by the Senate, with amendments, on May 10, 1991: Yeas 30, Nays 0.

Approved June 5, 1991.

Effective June 5, 1991.

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## CHAPTER 333

### H.B. No. 1132

#### AN ACT

relating to confidentiality of conversations in which one of the parties is hearing or speech impaired; providing a criminal penalty.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Title 4, Human Resources Code, is amended by adding Chapter 82 to read as follows:

#### CHAPTER 82. CONFIDENTIALITY OF INTERPRETED, TRANSLITERATED, OR RELAYED CONVERSATIONS

*Sec. 82.001. DEFINITIONS. In this chapter:*

(1) "Qualified interpreter" means a person employed as an interpreter who holds a current certification issued by the Board for Evaluation of Interpreters, or another current certificate that the Texas Commission for the Deaf determines is comparable or appropriate and approves.

(2) "Relay agent" means a person employed to relay conversations for a person who is hearing impaired or speech impaired over a dual-party telephone system.

*Sec. 82.002. CONFIDENTIALITY OF CONVERSATIONS. A qualified interpreter or relay agent who is employed to interpret, transliterate, or relay a conversation between a person who can hear and a person who is hearing impaired or speech impaired is a conduit for the conversation and may not disclose or be compelled to disclose, through reporting or testimony or by subpoena, the contents of the conversation.*

*Sec. 82.003. CRIMINAL PENALTY. (a) A qualified interpreter or relay agent who is employed to interpret, transliterate, or relay a conversation between a person who can hear and a person who is hearing impaired or speech impaired commits an offense if the qualified interpreter or relay agent discloses the contents of the conversation, unless the qualified interpreter or relay agent obtains the consent of each party to the conversation.*

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

SECTION 2. This Act takes effect September 1, 1991, and applies only to a conversation that is interpreted, transliterated, or relayed on or after the effective date of this Act. A conversation that is interpreted, transliterated, or relayed before the effective date of this Act is governed by the law in effect on the date the conversation was interpreted, transliterated, or relayed, and the former law is continued in effect for that purpose.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 2, 1991, by a non-record vote; passed by the Senate on May 25, 1991: Yeas 31, Nays 0.

Approved June 5, 1991.

Effective September 1, 1991.

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## CHAPTER 334

### H.B. No. 1188

#### AN ACT

relating to the offenses of aggravated and deadly assault on an employee of a county, municipal, or private jail, an employee of the institutional division of the Texas Department of Criminal Justice, or a member of the Texas Board of Criminal Justice.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 22.01(c), Penal Code, is amended to read as follows:

(c) An offense under Subsection (a)(2) of this section is a Class C misdemeanor unless:

(1) the offense is committed by the owner or an employee of an institution described in *Section 242.002, Health and Safety Code* [~~Subsection (a), Section 2, Chapter 413, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 4442c, Vernon's Texas Civil Statutes)~~], or a person providing medical or psychiatric treatment at an institution described in that *section* [subsection], and the offense is committed by threatening a patient or resident of an institution described in that *section* [subsection] with bodily injury, in which event the offense is a Class B misdemeanor;

(2) the offense is committed by the owner or an employee of a facility, except a facility operated by the Texas Youth Commission or the *institutional division of the Texas Department of Criminal Justice* [Corrections], described in *Section 242.002, Health and Safety Code* [~~Subsection (a)(6), Section 2, Chapter 413, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 4442c, Vernon's Texas Civil Statutes)~~], or a person providing medical or psychiatric treatment at a facility, except a facility operated by the Texas Youth Commission or the *institutional division* [~~Texas Department of Corrections~~], described in that *section* [subsection], and the offense is committed by threatening a patient or resident of a facility, except a facility operated by the Texas Youth Commission or the *institutional division* [~~Texas Department of Corrections~~], described in that *section* [subsection] with bodily injury, in which event the offense is a Class B misdemeanor;

(3) the offense is committed against a classroom teacher, counselor, principal, or other similar instructional or administrative employee of a primary or secondary school accredited by the Texas Education Agency, *other than the Windham Schools*, while engaged in performing his educational duties, in which event the offense is a Class B misdemeanor; or

(4) the offense is committed against a family member and the actor has been previously convicted under this section for an offense against a family member:

(A) one time, in which event the offense is a Class B misdemeanor;