

BILL ANALYSIS

H.B. 368
By: Cain
House Administration
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised regarding the constitutionality of the prohibition on the use of legislatively produced audio or visual materials in political advertising. H.B. 368 seeks to address these concerns by repealing that prohibition.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change 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

H.B. 368 repeals Section 306.005, Government Code, which prohibits a person from using audio or visual materials produced by or under the direction of the legislature or of a house, committee, or agency of the legislature in political advertising. The bill amends the Government Code to make a conforming change.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.