BILL ANALYSIS

Senate Research Center

H.B. 1327
By: Nixon (Duncan)
Jurisprudence
6-23-97
Enrolled

DIGEST

When the 73rd Legislature strengthened laws against barratry (inciting groundless lawsuits), it made most of the prohibitions apply only to attorneys. However, the problems related to "ambulance chasing" go beyond the actions of attorneys and include other professionals.

H.B. 1327 would expand the offense of barratry.

PURPOSE

As enrolled, H.B. 1327 expands the offense of barratry.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 38.01, Penal Code, by amending Subdivision (11) and adding Subdivision (12), to redefine "solicit employment" and define "professional."

SECTION 2. Amends Section 38.12, Penal Code, by amending the section heading and Subsections (a) and (b), as follows:

> Sec. 38.12. BARRATRY AND SOLICITATION OF PROFESSIONAL EMPLOYMENT. Provides that a person commits an offense if the person pays, gives, or advances or offers to pay, give, or advance to a prospective client money or anything of value to obtain employment as a professional, rather than obtain legal representation, from the prospective client. Deletes Subdivisions (b)(1). Provides that a person commits an offense if the person knowingly finances the commissioner of an offense under Subsection (a), invests funds the person knows or believes are intended to further the commission of an offense under Subsection (a), or is a professional who knowingly accepts employment within the scope of the person's license, registration, or certification that results from the solicitation of employment in violation of Subsection (a).

SECTION 3. Amends Section 550.064(b), Transportation Code, to require an accident report form prepared by the department to include a way to designate whether an individual involved in an accident ants to be contacted by a person seeking to obtain employment as a professional described by Section 38.01(12), Penal Code, rather than 38.12(b), Penal Code.

SECTION 4. Effective date: September 1, 1997.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Emergency clause.