BILL ANALYSIS

Senate Research Center

H.B. 2633
By: Brimer (Harris)
Jurisprudence
6-25-97
Enrolled

DIGEST

With the current sensationalism surrounding some criminal acts, some criminal suspects have been accused of using proceeds from movie and publication rights from their alleged criminal acts in order to fund their legal defense. This bill will provide regulations regarding attorney compensation in certain matters and provide civil and criminal penalties.

PURPOSE

As enrolled, H.B. 2633 provides regulations regarding attorney compensation in certain matters and provides civil and criminal penalties.

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 Title 2G, Government Code, by adding Chapter 84, as follows:

CHAPTER 84. UNAUTHORIZED ATTORNEY COMPENSATION

Sec. 84.001. PROHIBITED ACTS. Prohibits an attorney, before the conclusion of all aspects of a criminal matter that gives rise to an attorney's employment, from making or negotiating an agreement with a client, a prospective client, or former client that provides the attorney literary or media rights to a portrayal or account based in substantial part on information relating to the representation.

Sec. 84.002. CRIMINAL OFFENSE. Provides that a person commits a Class B misdemeanor if, while acting as an attorney, the person agrees to accept as compensation for legal advice provided by the person in a criminal matter the right to publish, in print, film, or otherwise, the account of a crime or the events associated with a crime.

Sec. 84.003. CIVIL LIABILITY. Authorizes a person, including the victim of a crime or the estate of a victim of a crime, to bring suit against an attorney whose violation of Section 84.001 results in damages incurred by the person bringing the suit. Provides that a person who brings a suit under this section is entitled to recover certain damages and expenses.

Sec. 84.004. CUMULATIVE REMEDIES. Provides that this chapter is cumulative of other law under which a person may obtain judicial relief. Provides that an administrative, civil, or criminal action brought against an attorney based on a violation of this chapter des not limit or restrict another action against the attorney by the same or another person.

SECTION 2. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 3. Emergency clause.