

## **BILL ANALYSIS**

Senate Research Center

S.B. 1172  
By: Duncan  
Jurisprudence  
4-3-97  
As Filed

### **DIGEST**

Currently, lawyers are prohibited from taking certain actions to gain employment. However, there is a continuing problem associated with improper, unethical, and unwanted solicitation by lawyers, chiropractors, doctors, and other medical providers. This bill will provide additional regulations regarding the offense of barratry.

### **PURPOSE**

As proposed, S.B. 1172 provides additional regulations regarding 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, to redefine "solicit employment," and to define "professional."

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

Sec. 38.12. New heading: BARRATRY AND SOLICITATION OF PROFESSIONAL EMPLOYMENT. Provides that a person commits an offense if, with intent to obtain an economic benefit, 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. Provides that a person commits an offense if the person 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 certificate that results from the solicitation of employment in violation of Subsection (a). Deletes a reference to certain licensed, certified or registered professionals. Makes conforming changes.

SECTION 3. Amends Section 551.064(b), Transportation Code, to make a conforming change.

SECTION 4. Effective date: September 1, 1997.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Emergency clause.