

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 3515
By: Dunnam (Carona)
Jurisprudence
5/14/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under Texas law, the solicitation of employment by a lawyer is a third-degree felony. Despite the severity of such a crime, representatives of lawyers or their firms occasionally contact accident victims to solicit employment within 30 days of the accident. Citizens involved in an accident should be protected from such solicitation, but many are unaware that the solicitation is illegal and are unlikely to report the inappropriate behavior. Thus, those offenses often go unreported and unpunished.

C.S.H.B. 3515 relates to the creation of the offense of failure to report barratry and solicitation of employment.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 38, Penal Code, by adding Section 38.121, as follows:

Sec. 38.121. FAILURE TO REPORT BARRATRY OR SOLICITATION OF EMPLOYMENT. (a) Provides that a lawyer commits an offense if the lawyer, during the course of representation of a client acquires knowledge that would reasonably cause a lawyer to believe that a person, other than a lawyer subject to the Texas Disciplinary Rules of Professional Conduct, while acting on behalf of a lawyer, has engaged in conduct that constitutes an offense under Section 38.12 (Barratry and Solicitation of Professional Employment) and fails to report the knowledge to the State Bar of Texas not later than the 45th business day after the lawyer acquires the knowledge.

(b) Provides that an offense under this section is a Class C misdemeanor.

SECTION 2. Effective date: upon passage or September 1, 2009.