

CHAPTER 30

H.B. No. 288

AN ACT

relating to the offense of misuse of public information by a public servant.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 39.03, Penal Code, is amended to read as follows:

Sec. 39.03. MISUSE OF OFFICIAL INFORMATION. (a) A public servant commits an offense if, in reliance on information to which he has access in his official capacity and which has not been made public, he:

- (1) acquires or aids another to acquire a pecuniary interest in any property, transaction, or enterprise that may be affected by the information; or
- (2) speculates or aids another to speculate on the basis of the information.

(b) *A public servant commits an offense if he intentionally or knowingly reveals the result or content of a proposed or actual appellate judicial decision or opinion prior to its release as a public record or announcement to all parties of interest on an equal basis.*

(c) *A person commits an offense if, with intent to obtain a benefit or with intent to harm another, he intentionally or knowingly solicits or receives from a public servant the result or content of a proposed or actual appellate judicial decision or opinion prior to the rendition of judgment, when the person knows that the content or result of such order or opinion has not been disclosed to the opposing party or parties.*

(d) An offense under this section is a felony of the third degree.

SECTION 2. This Act takes effect September 1, 1987.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on March 4, 1987, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 288 on April 13, 1987, by a non-record vote. Passed by the Senate, with amendments, on April 7, 1987, by a viva-voce vote.

Approved April 22, 1987.

Effective September 1, 1987.