

BILL ANALYSIS

H.B. 241
By: Leach
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties point out that judges in Texas have been serving citations via social media in matters where substituted service was already permitted by existing law and assert that the law regarding this matter needs to be clarified by making these implicit permissions explicit. H.B. 241 seeks to provide this clarification.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Supreme Court of Texas in SECTION 1 of this bill.

ANALYSIS

H.B. 241 amends the Civil Practice and Remedies Code to require the Supreme Court of Texas, not later than December 31, 2015, to adopt rules to provide for a substituted service of citation by an electronic communication sent to a defendant through a social media presence. The bill authorizes a court, if the substituted service of citation is authorized under the Texas Rules of Civil Procedure, in accordance with the rules adopted by the supreme court, to prescribe as a method of service such an electronic communication. The bill's provisions apply only to an action commenced on or after the effective date of the rules adopted by the supreme court.

EFFECTIVE DATE

September 1, 2015.