

## **BILL ANALYSIS**

Senate Research Center

H.B. 1193  
By: Rhodes (Armbrister)  
Jurisprudence  
5-1-97  
Engrossed

### **DIGEST**

Currently, Section 13.003 of the Civil Practice and Remedies Code provides that an appellant who has filed an affidavit of inability to pay for the cost of an appeal may receive the statement of facts of the trial court proceeding without cost if the appeal is proven to not be frivolous, and the statement of facts is needed to decide the issue presented by the appeal. However, Section 13.003 does not apply to transcripts of trial court proceedings. H.B. 1193 requires transcripts only to be provided to appellants unable to pay for an appeal if the appeal is not frivolous and the transcript is needed to decide the issue presented by the appeal.

### **PURPOSE**

As proposed, H.B. 1193 requires transcripts only to be provided to appellants unable to pay for an appeal if the appeal is not frivolous and the transcript is needed to decide the issue presented by the appeal.

### **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 13.003, Civil Practice and Remedies Code, by amending Subsection (a) and adding Subsection (c), to require a clerk of the court to prepare a transcript for an appeal, subject to Subsection (c), only if the trial judge finds the clerk's transcript is needed to decide the issue. Authorizes a trial judge to order a court to prepare a transcript, or any part, necessary for making the determination required by Subsection (a)(2).

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

SECTION 3. Emergency clause.