

BILL ANALYSIS

Senate Research Center
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H.B. 918
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Jurisprudence
5/13/1999
Committee Report (Amended)

DIGEST

Currently, a party could be required to present an original judgment order or decree to a judge as part of the procedure necessary to prove the party's case. In some older cases, however, the court clerk has placed the file on microfilm and destroyed the original documents, leaving no hard copy to present to the judge. In these cases, a county or district clerk is not prohibited from assessing a fee to a person who seeks a paper copy of a record or document that is on microfilm. H.B. 918 would require the clerk of a county or district court to provide the court with a copy of a motion, order, or other pleading in the action that is preserved only on microfilm or by other electronic means, upon receiving written request of a party in an action, and would prohibit the court or district clerk from charging a fee for a copy made under the sections created by this Act.

PURPOSE

As proposed, H.B. 918 sets forth provisions regarding copies of certain court records prepared by a district or county clerk.

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 Chapter 118C, Local Government Code, by adding Section 118.0526, as follows:

Sec. 118.0526. COPIES OF COURT RECORDS PRESERVED ONLY ON MICROFILM OR BY ELECTRONIC METHOD. Requires the clerk of a county court to provide the court with a copy of a motion, order, or other pleading in the action that is preserved only on microfilm or by other electronic means, on the written request of a party in an action. Requires the request to specify the document sought and the approximate date that the document was filed. Prohibits the county clerk from charging a fee for a copy made under this section.

SECTION 2. Amends Chapter 51D, Government Code, by adding Section 51.3195, as follows:

Sec. 51.3195. COPIES OF COURT RECORDS PRESERVED ONLY ON MICROFILM OR BY ELECTRONIC METHOD. Requires the district clerk to provide the court with a copy of a motion, order, or other pleading in the action that is preserved only on microfilm or by other electronic means, on the written request of a party in an action. Requires the request to specify the document sought and the approximate date that the document was filed. Prohibits the district clerk from charging a fee for a copy made under this section.

SECTION 3. Amends Section 51.803(b), to prohibit a district or county court from mandating electronic filing as a sole means of filing documents in lawsuits.

SECTION 4. Effective date: September 1, 1999.

SECTION 5. Emergency clause.