

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1259
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Jurisprudence
3/25/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Court of Criminal Appeals has the authority to digitize files. However, the Supreme Court of Texas and fourteen intermediate Courts of Appeals do not. The Supreme Court of Texas and Courts of Appeals need this technology to not only improve efficiency and reduce administrative costs but also allow them to implement a wide-ranging electronic filing system, the Texas Appeals Management and E-Filing System (TAMES).

TAMES, which will be overseen by the Office of Court Administration, has been funded and is scheduled to be implemented by all Texas appellate courts in 2010. Pilot implementation of TAMES is scheduled for October 2009, in the Supreme Court and the fourteen Courts of Appeals. Currently, however, the courts cannot implement TAMES because the courts do not have the authority to electronically store their records.

C.S.S.B. 1259 authorizes the clerk of the Supreme Court of Texas and the clerk of a Court of Appeals to keep records in an electronic format or on microfilm.

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 Subchapter A, Chapter 51, Government Code, by adding Section 51.0045, as follows:

Sec. 51.0045. ELECTRONIC OR MICROFILM STORAGE. (a) Authorizes the clerk of the supreme court, in the performance of the duties imposed by Section 51.004 (Duties), to maintain records and documents in an electronic storage format or on microfilm. Provides that a record or document stored electronically or on microfilm in accordance with this section is considered an original record or document. Authorizes the clerk, if the clerk stores records or documents electronically or on microfilm, to destroy the originals or copies of the records or documents according to the retention policy described by Subsection (b).

(b) Requires the clerk of the supreme court to establish a records retention policy. Requires that the retention policy provide a plan for the storage and retention of records and documents and include a retention period to preserve the records and documents in accordance with applicable state law and rules of the supreme court.

(c) Defines "electronic storage."

SECTION 2. Amends Subchapter C, Chapter 51, Government Code, by adding Section 51.205, as follows:

Sec. 51.205. ELECTRONIC OR MICROFILM STORAGE. (a) Authorizes the clerk of a court of appeals, in the performance of the duties imposed by Section 51.204 (Records of Court), to maintain records and documents in an electronic storage format or on microfilm. Provides that a record or document stored electronically or on microfilm in accordance with this section is considered an original record or document. Authorizes

the clerk, if the clerk stores records or documents electronically or on microfilm, to destroy the originals or copies of the records or documents according to the retention policy described by Subsection (b).

(b) Requires the clerk of a court of appeals to establish a records retention policy. Requires that the retention policy provide a plan for the storage and retention of records and documents and include a retention period to preserve the records and documents in accordance with Section 51.204 and other applicable state law and rules of the court of appeals, the supreme court, or the court of criminal appeals.

(c) Defines "electronic storage."

SECTION 3. Provides that the changes in law made by this Act apply to a record or document maintained by the clerk of the Texas Supreme Court or the clerk of a court of appeals, as applicable, regardless of whether the record or document was received by the clerk before, on, or after the effective date of this Act.

SECTION 4. Effective date: upon passage or September 1, 2009.