

BILL ANALYSIS

Senate Research Center
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H.B. 1559
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Jurisprudence
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The existence of historic Texas court records is threatened because of the simple need to create space for more recent documents in Texas' courthouses. These court documents contain valuable and irreplaceable information about the early days of Texas statehood. H.B. 1559 will preserve countless numbers of these written relics of Texas history currently being destroyed.

In 2009, the Texas Supreme Court, under the direction of Chief Justice Jefferson, established the Texas Court Records Preservation Task Force, tasked with the preservation and appropriate distribution of these irreplaceable documents. H.B. 1559 is in line with the Supreme Court's wish that these documents be preserved so that all Texans can learn from the information documents contain.

Currently, there is a state moratorium on shredding documents originating prior to 1860; however, documents dating from 1860-1950 are unprotected. H.B. 1559 will give court documents filed, presented, or produced from 1860 to January 1, 1951, temporary protection from destruction until the Texas State Library and Archives Commission (TSLAC) adopts rules for the retention, storage, and destruction of records created within those dates. TSLAC must then adopt rules for the retention, storage, and destruction of documents filed, presented, or produced by a court.

H.B. 1559 amends current law relating to the retention, storage, and destruction of certain court documents.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas State Library and Archives Commission in SECTION 1 (Section 441.026, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 441, Government Code, by adding Subchapter B, as follows:

SUBCHAPTER B. COURT DOCUMENTS

Sec. 441.025. DEFINITIONS. Defines, in this subchapter, "commission" and "court document."

Sec. 441.026. RETENTION, STORAGE, AND DESTRUCTION OF CERTAIN COURT DOCUMENTS. (a) Requires the Texas State Library and Archives Commission (TSLAC) to adopt rules for the retention, storage, and destruction of a court document filed with, otherwise presented to, or produced by a court in this state before January 1, 1951.

(b) Prohibits a court in this state from destroying a court document described by Subsection (a) except as provided by rules of TSLAC.

SECTION 2. Effective date: upon passage or September 1, 2011.