

By: Johnson of Dallas

H.B. No. 2431

Substitute the following for H.B. No. 2431:

By: Davis

C.S.H.B. No. 2431

A BILL TO BE ENTITLED

AN ACT

relating to preparation of an appellate record in civil appeals.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 51, Civil Practice and Remedies Code, is amended by adding Section 51.018 to read as follows:

Sec. 51.018. APPENDIX IN LIEU OF CLERK'S RECORD. (a) Not later than the 10th day after the date that a party files a notice of appeal for a civil suit, the party may notify the trial court and the court of appeals that the party will file an appendix that replaces the clerk's record for the appeal.

(b) The party must file the appendix with the party's appellate brief. Except in an expedited proceeding or by order of the court, the brief and appendix must be filed not later than the 30th day after the later of:

(1) the date that the party provided notice under Subsection (a); or

(2) the date that a reporter's record, if any, is filed with the court of appeals.

(c) An appendix filed under this section must contain a file-stamped copy of each document required by Rule 34.5, Texas Rules of Appellate Procedure, for a civil suit and any other item the party intends to reference in the party's brief. The appendix may not contain a document that has not been filed with the trial

1 court except by agreement of the parties to the appeal.

2 (d) An appendix filed in accordance with this section
3 becomes part of the appellate record. A court clerk may not prepare
4 or file a clerk's record or assess a fee for preparing a clerk's
5 record if a party files an appendix in accordance with this section.

6 SECTION 2. The change in law made by this Act applies only
7 to a party that files a notice of appeal on or after January 1, 2024.
8 A party that files a notice of appeal before January 1, 2024, is
9 governed by the law in effect on the date the notice was given, and
10 the former law is continued in effect for that purpose.

11 SECTION 3. This Act takes effect September 1, 2023.