

BILL ANALYSIS

Senate Research Center

S.B. 1014
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Intergovernmental Relations
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Enrolled

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

When the Uniform Municipal Court of Record Act was passed in 1987, the language contained in the Act regarding appeal procedures mirrored that of the Texas Rules of Appellate Procedure and the Texas Code of Criminal Procedure. However, when the Rules of Appellate Procedure and the Code of Criminal Procedure were later re-codified, new language for an appellate record was established, replacing "transcript" with "clerk's record" and "statement of facts" with "reporter's record." A corresponding change, however, was not made to the appeal procedure language in the Uniform Municipal Court of Record Act. This conflict in terminology has led to confusion and two recent appellate decisions. S.B. 1014 conforms the language in the Uniform Municipal Court of Record Act to the language currently contained in the Rules of Appellate Procedure and the Code of Criminal Procedure.

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 Section 30.00010(d), Government Code, to provide that if a governing body, instead of providing a court reporter, authorizes that the proceedings may be recorded by a good quality electronic recording device, the court reporter is not required to be present to certify the reporter's record, rather than the statement of facts.

SECTION 2. Amends Sections 30.00014(b), (f), and (g), Government Code, as follows:

(b) Requires the appellate court to determine each appeal from a municipal court of record conviction and each appeal from the state on the basis of the errors that are set forth in the appellant's motion for a new trial and that are presented in the clerk's record and reporter's record, rather than the transcript and statement of facts.

(f) Requires a municipality by ordinance to establish a fee for the preparation of the clerk's record, rather than a transcript preparation fee, in the amount of \$25. Provides the preparation, rather than transcript, fee does not include the fee for the actual transcription, rather than transcript, of the proceedings.

(g) Requires the defendant to pay the fee for the preparation of the clerk's record, rather than the transcript preparation, and the fee for the actual transcription, rather than transcript, of the proceedings.

SECTION 3. Amends Section 30.00017, Government Code, as follows:

Sec. 30.00017. New heading: CLERK'S RECORD. Makes conforming changes.

SECTION 4. Amends Section 30.00019, Government Code, as follows:

Sec. 30.00019. New heading: REPORTER'S RECORD. Makes conforming changes.

SECTION 5. Amends Section 30.00020(a), Government Code, to make conforming changes.

SECTION 6. Amends Section 30.00021(b), Government Code, to make conforming changes.

SECTION 7. Amends Section 30.00024(b), Government Code, to make conforming changes.

SECTION 8. Amends the heading to Section 30.00130, Government Code, to read as follows:

Sec. 30.00130. COURT REPORTER; USE OF CLERK'S RECORDS.

SECTION 9. Amends Section 30.00162(b), Government Code, to make a conforming change.

SECTION 10. Amends Section n 30.00306(a), Government Code, to make a conforming change.

SECTION 11. Amends Section 101.181, Government Code, to make a conforming change.

SECTION 12. Amends Section 102.141, Government Code, to make a conforming change.

SECTION 13. Effective date: upon passage or September 1, 2005.