

BILL ANALYSIS

C.S.S.B. 229
By: Harris
Judiciary
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, a district clerk is required by law to document and maintain the records of a district court that often require large amounts of storage space, making it difficult to arrange and locate materials stored within them. District courts are required to have a seal and to use that seal on all processes of the court, with the exception of subpoenas.

As proposed, C.S.S.B. 229 gives courts the authority to create a seal electronically, thus allowing the courts to transfer, store, and locate documents with greater efficiency.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

The bill would amend the Government Code permit the creation of a court seal using an electronic means, including by using an optical disk or another electronic reproduction technique, if the means by which the seal is impressed on an original document created using the same type of electronic means does not allow for changes, additions, or deletions to be made to the document.

The act would be prospective.

EFFECTIVE DATE

September 1, 2007

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute adds subsections (e) and (f) to Section 51.301, Government Code, to add the ability of the district clerk to create an electronic signature to documents and to permit electronic transfer of electronic seals and signatures.