

BILL ANALYSIS

H.B. 1833
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law authorizes the clerk of the court of criminal appeals to maintain writs and other record and documents in an electronic storage format, and to destroy the paper copies of writs and other records and documents if those documents are archived in electronic formats. The 14 courts of appeals and the supreme court do not have the same authority to destroy paper copies of documents that are stored in an electronic format.

H.B. 1833 authorizes the clerk of a court of appeals and the state supreme court to destroy paper copies of documents that are stored in an electronic format.

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

H.B. 1833 amends the Government Code to authorize the clerk of the supreme court, in the performance of the clerk's duties, to maintain records and documents in an electronic storage format. The bill authorizes a clerk who electronically stores records or documents to destroy the originals or copies of the records or documents according to the records retention policy the bill requires the clerk to establish. The bill requires the retention policy to provide a plan for the storage and retention of records and documents and to include a retention period to preserve the records and documents in accordance with applicable state law and rules of the supreme court.

H.B. 1833 also authorizes the clerk of a court of appeals, in the performance of the clerk's duties relating to the records of the court, to maintain records and documents in an electronic storage format. The bill authorizes a clerk who electronically stores records or documents to destroy the originals or copies of the records or documents according to the records retention policy the bill requires the clerk to establish. The bill requires the retention policy to provide a plan for the storage and retention of records and documents and to include a retention period to preserve the records and documents in accordance with provisions relating to the records of the court and other applicable state law and rules of the court of appeals, the supreme court, or the court of criminal appeals. The bill defines "electronic storage."

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.