

BILL ANALYSIS

H.B. 1381
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Some sheriffs and constables have requested permission to serve civil process on an inmate of the Texas Department of Criminal Justice (TDCJ) by serving the warden or a person designated as an agent for service of civil process, thereby reducing the amount of time spent by the server passing through multiple security checkpoints at the TDCJ facility. The warden or designee could then make personal service on the offender. Several states have statutes specifically authorizing service on incarcerated persons through a third person, but there is currently no clear statutory authority in Texas for substitute service under these circumstances. H.B. 1381 seeks to remedy this situation by allowing a Texas Department of Criminal Justice employee to accept service on behalf of an inmate.

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. 1381 amends the Civil Practice and Remedies Code to authorize citation or other civil process in a civil action against an inmate confined in a facility operated by or under contract with the Texas Department of Criminal Justice (TDCJ) to be served on the inmate by serving a person designated as an agent for service of civil process. The bill requires the warden of each facility operated by or under contract with TDCJ, not later than December 1, 2011, to designate an employee at the facility to serve as an agent for service of civil process on inmates confined in the facility. The bill requires an employee so designated to promptly deliver any civil process served on the employee to the appropriate inmate. The bill defines "inmate."

EFFECTIVE DATE

September 1, 2011.