

BILL ANALYSIS

H.B. 1418
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Observers note that a district, county, justice of the peace, or small claims court may dismiss a claim from an inmate if the court finds, among other things, that the claim is frivolous or malicious or that the claim has no arguable basis in law or in fact. Interested parties assert that this provision has saved countless hours of unnecessary litigation and saved the cost of processing malicious claims and that, because the law does not include appellate courts, those courts, including the Supreme Court and the Court of Criminal Appeals, are forced to spend countless hours and taxpayer resources to process these claims. Recently, an appeals court highlighted the problem when it noted that a single inmate had filed with the appellate courts more than 250 separate proceedings. H.B. 1418 amends certain provisions of law by adding appellate courts to those courts authorized to dismiss certain frivolous or malicious claims by inmates.

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. 1418 amends the Civil Practice and Remedies Code to make provisions of law relating to inmate litigation apply to an action, including an appeal or original proceeding, rather than to a suit, brought by an inmate in a district, county, justice of the peace, or small claims court and adds an appellate court, including the supreme court or the court of criminal appeals, among the applicable courts. The bill, in a provision of law requiring an inmate who files an affidavit or unsworn declaration of inability to pay costs to file a separate affidavit or declaration that describes each action previously brought by the inmate by stating whether the action was dismissed as frivolous or malicious, requires the inmate to additionally include a description stating whether a claim that was a basis for the action was dismissed as frivolous or malicious. The bill makes conforming changes.

EFFECTIVE DATE

September 1, 2011.