

By: Davis of Dallas

H.B. No. 2861

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to documents filed with a district, county, or court  
3 clerk.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 51.304, Government Code, is amended by  
6 amending Subsection (b) and adding Subsection (c) to read as  
7 follows:

8 (b) The plan must:

9 (1) require the recording and filing of original  
10 instruments, records, and minutes within a specified time after  
11 presentation to the district clerk;

12 (2) require [~~permit~~] the use of original paper records  
13 in a proceeding before the court;

14 (3) provide standards for the organizing,  
15 identifying, coding, and indexing of records so a record can be  
16 retrieved rapidly and the reproduced record can be certified as a  
17 true and correct copy;

18 (4) provide for the use of materials to reproduce  
19 records and, if appropriate to the method by which records are  
20 stored, provide for the use of processes relating to the  
21 development, fixation, and washing of the photographic duplicates,  
22 that are of a quality approved for permanent photographic records  
23 by the American National Standards Institute, or another nationally  
24 recognized entity that establishes archival standards for mediums

1 used to store data and records; and

2 (5) provide for the permanent retention of records,  
3 including security provisions to guard against physical loss,  
4 alteration, and deterioration.

5 (c) The plan adopted by the district clerk under this  
6 section must require that all original paper documents in a case be  
7 retained by the clerk pending the final disposition of all  
8 proceedings in the case.

9 SECTION 2. Section 51.805(a), Government Code, is amended  
10 to read as follows:

11 (a) A receiving station, on completion of an electronic  
12 filing, shall:

13 (1) transmit data to the appropriate court as required  
14 as an original paper document; and

15 (2) distribute data as required by statute or rule.

16 SECTION 3. The changes in law made by this Act apply to a  
17 document filed with a clerk on or after the effective date of this  
18 Act. A document filed before the effective date of this Act is  
19 governed by the law in effect on the date the document was filed,  
20 and that law is continued in effect for that purpose.

21 SECTION 4. This Act takes effect September 1, 2011.