

BILL ANALYSIS

C.S.H.B. 2877
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Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, Texas Department of Criminal Justice (TDCJ) employees may confiscate inmate property consistent with TDCJ rules. There have been reports of offenders citing the Texas Theft Liability Act to sue individual employees who confiscate inmate property if that property is subsequently lost or damaged. Interested parties contend that such suits are unnecessary because offenders have sufficient alternative remedies through the grievance process and through state law allowing TDCJ to reimburse an offender for lost or damaged property. C.S.H.B. 2877 seeks to limit what many see as unnecessary litigation.

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

C.S.H.B. 2877 amends the Civil Practice and Remedies Code to exclude from the application of the Texas Theft Liability Act a claim made by an inmate housed in a facility operated by the Texas Department of Criminal Justice (TDCJ) for property lost, damaged, or confiscated by a TDCJ employee.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2877 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Chapter 134, Civil Practice and Remedies Code, is amended by adding Section 134.0025 to read as follows:

Sec. 134.0025. APPLICABILITY. This chapter does not apply to a claim made by an inmate housed in a facility operated by the Texas Department of Criminal Justice for property lost or damaged by the institutional division of the department.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Chapter 134, Civil Practice and Remedies Code, is amended by adding Section 134.0025 to read as follows:

Sec. 134.0025. APPLICABILITY. This chapter does not apply to a claim made by an inmate housed in a facility operated by the Texas Department of Criminal Justice for property lost, damaged, or confiscated by an employee of the department.

SECTION 2. This Act takes effect
September 1, 2013.

SECTION 2. Same as introduced version.