

By: Eiland

H.B. No. 3457

A BILL TO BE ENTITLED

AN ACT

relating to the filing of certain medical information as evidence in civil and criminal proceedings.

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

SECTION 1. Subchapter A, Chapter 22, Government Code, is amended by adding Section 22.018 to read as follows:

Sec. 22.018. ADMISSIBILITY OF MEDICAL RECORDS. (a)

Notwithstanding any provision of the Texas Rules of Evidence, a medical record may not be required to be filed with a court before a trial commences in order to exempt the record from a requirement to provide extrinsic evidence of authenticity as a condition precedent to admissibility of the record if:

(1) an affidavit of the custodian of the record or other qualified witness is filed in accordance with the Texas Rules of Evidence to authenticate the record as a record of a regularly conducted activity; and

(2) the affidavit and the record that is the subject of the affidavit are served on the other parties to the action no later than the 30th day before the date the trial commences.

(b) Notwithstanding Section 22.004, the supreme court may not amend or adopt rules in conflict with this section.

SECTION 2. Section 22.018, Government Code, as added by this Act, applies only to the admissibility of evidence in an action that commences on or after the effective date of this Act.

1 SECTION 3. This Act takes effect September 1, 2013.