

BILL ANALYSIS

H.B. 2822
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties report that the Texas Judicial Council has requested increased flexibility for sending notices and documents. The parties explain that the Texas judiciary has transitioned to electronic filing in many counties and that the transition will be made in all counties by 2016. This electronic filing system provides electronic notice capability and is mandatory for service between registered parties. These parties report that, despite the ability in the electronic filing system to electronically notify attorneys and other registered users, some statutes specify that non-electronic means, such as first-class mail and regular mail, be used to send notices and documents. The parties clarify that their proposed solutions regarding this request for flexibility do not change the delivery method specified by statute when the statute requires proof of delivery, such as certified mail. H.B. 2822 seeks to provide for the requested flexibility regarding notices or documents sent by mail or electronic mail by a court, justice, judge, magistrate, or clerk of a judicial court.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 2822 amends the Government Code to authorize a court, justice, judge, magistrate, or clerk to send any notice or document using mail or electronic mail. The bill applies its provisions to all civil and criminal statutes requiring delivery of a notice or document.

H.B. 2822 requires the court, justice, judge, magistrate, or clerk sending the notice or document, if electronic mail is used to send a notice or document and the person who will receive the notice or document is registered with the electronic filing system established by supreme court rule or order, to use the electronic mail address on file with the electronic filing system. The bill requires the court, justice, judge, magistrate, or clerk, if electronic mail is used to send a notice or document and the person who will receive the notice or document is not registered with such an electronic filing system, to use the electronic mail address provided by the person. The bill sets out examples of what the definition of mail for purposes of the bill does and does not include. The bill sets out examples of what authorized methods of delivering a notice or document by electronic mail do and do not include.

EFFECTIVE DATE

September 1, 2015.