

BILL ANALYSIS

S.B. 635
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerned citizens have suggested that requiring persons who prevail in certain actions against a political subdivision or an officer of a political subdivision to pay court costs deters average Texans from asserting their rights and tips the scales of justice in favor of governmental bodies that have taxpayer-funded attorneys. S.B. 635 seeks to remedy this situation by providing for the award of court costs and attorney's fees to be paid by a political subdivision to the prevailing party in certain actions involving the political subdivision.

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

S.B. 635 amends the Civil Practice and Remedies Code to require a court that determines that an order, ordinance, or similar measure of a political subdivision is unenforceable because it is preempted by the Texas Constitution or a state statute to award the person prevailing in the action challenging the order, ordinance, or measure on that basis court costs and reasonable and necessary attorney's fees to be paid by the political subdivision. The bill requires a court that determines that an officer of a political subdivision has failed to perform an act of the office required by the Texas Constitution or a state statute to award the person prevailing in the action challenging the officer for failure to perform that act court costs and reasonable and necessary attorney's fees to be paid by the political subdivision for which the officer served at the time of the failure to perform the act. The bill exempts from its provisions a municipality or a county with a population of less than 45,000.

EFFECTIVE DATE

September 1, 2017.