

A BILL TO BE ENTITLED

AN ACT

relating to the availability of certain pre-suit discovery in connection with a claim involving injury to or death of a minor.

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

SECTION 1. Chapter 18, Civil Practice and Remedies Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. SUBPOENAS

Sec. 18.101. PRE-SUIT SUBPOENAS FOR CERTAIN CLAIMS INVOLVING MINORS. (a) The supreme court shall adopt rules of civil procedure providing for the issuance of a pre-suit subpoena to:

(1) investigate a potential claim involving an injury to or death of a minor; or

(2) perpetuate or obtain evidence or testimony from any person for use in an anticipated action involving an injury to or death of a minor.

(b) The rules must:

(1) allow a party to request a subpoena to compel an oral or written deposition, the production of electronic or magnetic data, or the production of documents or tangible things; and

(2) require that a responding party provide any electronic or magnetic data or documentary or tangible evidence to the court under seal for the court to determine, after notice, hearing, and an in camera inspection, if the evidence should be

1 released to the requesting party.

2 SECTION 2. This Act takes effect September 1, 2017.