

BILL ANALYSIS

H.B. 770
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised that current record-keeping practices for settlement agreements in certain suits involving minors or incapacitated persons may be too reliant on private maintenance of those documents, which may impose an undue burden on guardians and lead to the loss of records. H.B. 770 seeks to address these concerns by requiring the Office of Court Administration to create a confidential electronic database to store such agreements for minor or incapacitated beneficiaries.

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. 770 amends the Government Code to require the Office of Court Administration of the Texas Judicial System (OCA) to establish and maintain an electronic database that contains personal injury or wrongful death settlement agreements for which a minor or incapacitated person is the beneficiary. The bill authorizes a party to the agreement or a guardian, next friend, or guardian ad litem to record the agreement in the database and limits to one the number of copies of the agreement that may be filed by those persons in each settlement agreement. The bill makes an agreement recorded in the database confidential and requires OCA to ensure that the agreement may be accessed only by the parties to the agreement, each attorney representing such a party, or the guardian, next friend, or guardian ad litem of such a party. The bill authorizes OCA to set and collect a fee, capped at \$50 for each agreement, to record a settlement agreement in the database in an amount sufficient to cover the costs of maintaining the agreement in the database and establishes that any such fee is a court cost to be included for payment in the agreement. The bill's provisions apply to a suit filed on behalf of a minor or incapacitated person that is pending in a trial court on the bill's effective date or that is filed on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2019.