

## **BILL ANALYSIS**

H.B. 2757  
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Judiciary & Civil Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The American Law Institute (ALI) is an organization that publishes the Restatements of the Law, which are often considered by courts as dependable descriptions of existing law. Recent concerns have been raised that the document may go beyond summarizing the state of current legal thinking and may be inaccurate or misleading. H.B. 2757 seeks to clarify the rule of decision in Texas courts and establish that the ALI Restatements are not controlling in any action governed by state law.

### **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. 2757 amends the Civil Practice and Remedies Code to revise the provision establishing the rule of decision in the state by specifying that the rule of decision consists of those portions of the common law of England that are not inconsistent with the constitution or laws of Texas, the constitutions of Texas and the United States, the laws of Texas, and case law precedents set by a Texas court. The bill provides that, in any action governed by the laws of Texas concerning rights and obligations under the law, the American Law Institute's Restatements of the Law are not controlling.

### **EFFECTIVE DATE**

September 1, 2019.