

BILL ANALYSIS

H.B. 4123
By: Johnson, Jarvis
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been suggested that requiring plaintiffs to amend an original petition in an action on a sworn account to reflect payments made to the account by a defendant during litigation stalls the litigation process and is unnecessary with regard to smaller payments. H.B. 4123 seeks to address this issue by establishing that such an amendment of an original petition is not required with regard to sworn accounts in which the total amount of payments is below a specified threshold.

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. 4123 amends the Civil Practice and Remedies Code to establish that a plaintiff is not required to amend an original petition in an action on a sworn account to reflect a payment on the account made after the petition is filed unless the total amount of all payments made after the petition is filed equals or exceeds 50 percent of the amount claimed in the petition. The bill prohibits the Supreme Court of Texas from amending or adopting rules in conflict with this provision.

EFFECTIVE DATE

September 1, 2019.