

BILL ANALYSIS

C.S.H.B. 3150
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, a person is limited to recovering attorney's fees from an individual or corporation. It has been argued that people should have the ability to recover attorney's fees from additional individuals and entities. There have also been calls to clarify whether the ability to recover attorney's fees extends to a prevailing party in a claim, regardless of whether the party is defending or bringing the claim. C.S.H.B. 3150 expands the list of individuals and entities from whom a person can recover attorney's fees and authorizes the award of attorney's fees to the prevailing party in a claim.

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

C.S.H.B. 3150 amends the Civil Practice and Remedies Code to change the applicability of provisions relating to the recovery of attorney's fees in certain civil actions as follows:

- by removing the restriction on the entities from which a person may recover such fees;
- by changing the party who may be awarded fees to the prevailing party in a claim; and
- by including necessary attorney's fees among the fees that may be awarded.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3150 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include a provision that was in the original establishing that the prevailing party is not required to bring a claim in an action to recover attorney's fees.