87R5507 BRG-D

By:  Johnson of Dallas H.B. No. 3692

A BILL TO BE ENTITLED

AN ACT

relating to preparation of an appellate record in civil and criminal appeals.

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

SECTION 1.  Subchapter B, Chapter 51, Civil Practice and Remedies Code, is amended by adding Section 51.018 to read as follows:

Sec. 51.018.  APPENDIX IN LIEU OF CLERK'S RECORD. (a) Not later than the 10th day after the date that a party files a notice of appeal for a civil suit, the party may notify the court of appeals that the party will file an appendix that replaces the clerk's record for the appeal.

(b)  The party must file the appendix with the party's appellant brief. Except in an expedited proceeding or by order of the court, the brief and appendix must be filed not later than the 30th day after the later of:

(1)  the date that the party provided notice under Subsection (a); or

(2)  the date that a reporter's record, if any, is filed with the court of appeals.

(c)  An appendix filed under this section must contain a file-stamped copy of each document required by Rule 34.5, Texas Rules of Appellate Procedure, for a civil suit and any other item the party intends to reference in the party's brief. The appendix may not contain a document that has not been filed with the trial court except by agreement of the parties to the appeal.

(d)  An appendix filed in accordance with this section becomes part of the appellate record. A court clerk may not prepare or file a clerk's record or assess a fee for preparing a clerk's record if a party files an appendix in accordance with this section.

SECTION 2.  Chapter 44, Code of Criminal Procedure, is amended by adding Article 44.03 to read as follows:

Art. 44.03.  APPENDIX IN LIEU OF CLERK'S RECORD. (a) Not later than the 10th day after the date that the state or the defendant files a notice of appeal for a criminal case, the appellant may notify the court of appeals that the appellant will file an appendix that replaces the clerk's record for the appeal.

(b)  The appellant must file the appendix with the appellant brief. Except in an expedited proceeding or by order of the court, the brief and appendix must be filed not later than the 30th day after the earlier of:

(1)  the date that the court clerk would have been required to file the clerk's record with the court of appeals; or

(2)  the date that a reporter's record, if any, is filed with the court of appeals.

(c)  An appendix filed under this section must contain a file-stamped copy of each document required by Rule 34.5, Texas Rules of Appellate Procedure, for a criminal case and any other item the appellant intends to reference in the appellant's brief. The appendix may not contain a document that has not been filed with the trial court except by agreement of the state and the defendant.

(d)  An appendix filed in accordance with this section becomes part of the appellate record. A court clerk may not prepare or file a clerk's record or assess a fee for preparing a clerk's record if the appellant files an appendix in accordance with this section.

SECTION 3.  Section 51.018, Civil Practice and Remedies Code, and Article 44.03, Code of Criminal Procedure, as added by this Act, apply only to a party that files a notice of appeal on or after January 1, 2022. A party that files a notice of appeal before January 1, 2022, is governed by the law in effect on the date the notice was given, and the former law is continued in effect for that purpose.

SECTION 4.  This Act takes effect September 1, 2021.