

By: Johnson of Dallas

H.B. No. 3692

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to preparation of an appellate record in civil and  
3 criminal appeals.

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

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

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

13 (b) The party must file the appendix with the party's  
14 appellant brief. Except in an expedited proceeding or by order of  
15 the court, the brief and appendix must be filed not later than the  
16 30th day after the later of:

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

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

21 (c) An appendix filed under this section must contain a  
22 file-stamped copy of each document required by Rule 34.5, Texas  
23 Rules of Appellate Procedure, for a civil suit and any other item  
24 the party intends to reference in the party's brief. The appendix

1 may not contain a document that has not been filed with the trial  
2 court except by agreement of the parties to the appeal.

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

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

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

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

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

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

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

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

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

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