

BILL ANALYSIS

H.B. 2331
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Texas municipalities regularly receive subpoenas for documents from third-party attorneys and third-party companies hired to perform legal services on behalf of a law firm or attorney for lawsuits in which the city is not a party. Depending on the case, the requested documents can be extensive and require a significant amount of staff resources to collect and review prior to distribution. Under Chapter 22, Civil Practice and Remedies Code, municipalities may only charge \$1 for production and certification of the documents in compensation for use of staff resources. By comparison, members of the general public who request documents under state public information law are often required to pay a fee commensurate with the staff resources used to collect and review the documents requested. This fee is to ensure that other taxpayers do not subsidize the costs of high-volume requests and helps to reduce the occurrence of vexatious requestors. Municipalities have reported that requests for information, such as body cam video, will be submitted under state public information law, but when an estimate of the cost for production is provided, the requestor will switch avenues and issue a subpoena for the same information and expect the records free of cost. H.B. 2331 seeks to ensure that taxpayers do not subsidize the staff resources used to fulfill document requests via third-party subpoenas and that the costs charged to those issuing third-party subpoenas are on par with costs to the general public under state public information 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. 2331 amends the Civil Practice and Remedies Code to entitle a municipality to impose a record production or certification fee in the same amount and manner provided by state public information law for a copy of public information on receipt of a request for production or certification of a record under a subpoena, a request for production, or other instrument in relation to a matter to which the municipality is not a party and that is issued under the authority of a tribunal that compels the production or certification. The bill specifies that the document custodian who produces or certifies such a record but who is not required to appear in court is not entitled to a witness fee. The bill applies only to a production or certification request issued on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.