

BILL ANALYSIS

Senate Research Center

S.B. 930
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently the state constitution allows for per curiam or silent decisions. That is, there is no public record of how each judge voted. In the case of the Texas Supreme Court, if 6 or more judges agree they can issue a per curiam decision. In recent years there has been increased calls for transparency throughout all levels of government. S.B. 930 helps bring more transparency to court decisions in the state by eliminating per curiam decisions and treating them as public information. Texas judges are elected to their positions. Voters have a say in who is serving them on the bench. Texans elect district and appellate judges, which includes the Texas Supreme Court. The per curiam decision has become a shield that prevents voters from knowing who authored certain opinions. Judges should not be able to prevent accountability by hiding the author's identity with a per curiam decision.

As proposed, S.B. 930 amends current law relating to the publication of opinions by a court.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 21, Government Code, by adding Section 21.013, as follows:

Sec. 21.013. PUBLICATION OF OPINIONS. Provides that the authorship of an opinion published by a court is public information. Prohibits a court from issuing a per curiam decision.

SECTION 2. Amends Section 72.086(b), Government Code, as follows:

(b) Requires the Supreme Court of Texas (supreme court), for cases on the docket of the court during the reporting year, to annually report to the Office of Court Administration of the Texas Judicial System (OCA):

(1) makes no change to this subdivision; and

(2)-(3) makes nonsubstantive changes to these subdivisions.

Deletes existing text requiring the supreme court, for cases on the docket of the court during the reporting year, to annually report to OCA the average number of days from the date of filing of a case with the court until the date of the release of a per curiam opinion.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2023.