88R5782 SCL-D

By:  Stucky H.B. No. 2331

A BILL TO BE ENTITLED

AN ACT

relating to requests to a municipality for production or certification of a record in certain civil actions; authorizing a fee.

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

SECTION 1.  Section 22.004, Civil Practice and Remedies Code, is amended by amending Subsections (a) and (b) and adding Subsection (a-1) to read as follows:

(a)  Except as provided by Subsection (a-1), a [~~A~~] custodian of a record who receives a request for production or certification of a record under a subpoena, a request for production, or other instrument issued under the authority of a tribunal that compels production or certification of a record is entitled to $1 for production or certification of the record. If more than one record is produced or certified, the custodian of the records is entitled to only one fee under this section.

(a-1)  A municipality that receives 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 production or certification of a record is entitled to impose a fee for production or certification of the record in the same amount and manner provided by Subchapter F, Chapter 552, Government Code, for a charge for providing a copy of public information, as if the production or certification of the record is the provision of a copy of public information under that chapter.

(b)  A custodian of a record who produces or certifies a record under Subsection (a) or (a-1), but who is not required to appear in court, is not entitled to a witness fee under Section 22.001.

SECTION 2.  Section 22.004, Civil Practice and Remedies Code, as amended by this Act, applies only to a production or certification request issued on or after the effective date of this Act. A production or certification request issued before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3.  This Act takes effect September 1, 2023.