

By: Stucky

H.B. No. 2331

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

17 (a-1) A municipality that receives a request for production
18 or certification of a record under a subpoena, a request for
19 production, or other instrument in relation to a matter to which the
20 municipality is not a party and that is issued under the authority
21 of a tribunal that compels production or certification of a record
22 is entitled to impose a fee for production or certification of the
23 record in the same amount and manner provided by Subchapter F,
24 Chapter 552, Government Code, for a charge for providing a copy of

1 public information, as if the production or certification of the
2 record is the provision of a copy of public information under that
3 chapter.

4 (b) A custodian of a record who produces or certifies a
5 record under Subsection (a) or (a-1), but who is not required to
6 appear in court, is not entitled to a witness fee under Section
7 22.001.

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

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