

BILL ANALYSIS

H.B. 2469
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Informed observers raise concerns regarding the risk of losing or mishandling privately kept records pertaining to settlement agreements in certain personal injury and wrongful death cases. H.B. 2469 seeks to address these concerns by creating a confidential state-administered settlement agreement database that contains personal injury or wrongful death settlement agreements for which a minor or incapacitated person is the beneficiary.

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. 2469 amends the Government Code to require the Office of Court Administration of the Texas Judicial System (OCA) to establish and maintain an electronic database that contains personal injury or wrongful death settlement agreements for which a minor or incapacitated person is the beneficiary. The bill authorizes a party to the agreement or a guardian, next friend, or guardian ad litem to record the agreement in the database and limits to one copy the number of copies of such an agreement that the parties or the guardian, next friend, or guardian ad litem may file in each settlement agreement. The bill makes a settlement agreement recorded in the database confidential and requires OCA to ensure that access to a settlement agreement is limited to the parties to the settlement agreement, each attorney representing such a party, and the guardian, next friend, or guardian ad litem of such a party. The bill authorizes OCA to set and collect a fee to record a settlement agreement in the database in an amount sufficient to cover the costs of maintaining the agreement in the database, capped at \$50 for each agreement, and establishes that such fee is a court cost to be included for payment in the settlement agreement. The bill applies to a suit filed on behalf of a minor or incapacitated person that is pending in a trial court on the bill's effective date or that is filed on or after that date.

EFFECTIVE DATE

September 1, 2017.