

BILL ANALYSIS

S.B. 808
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised regarding the interpretation of a provision providing for the recovery of attorney's fees in certain civil actions. Interested parties contend that the fees could be recovered from any person under the original law, but when the law was codified "person" was changed to "individual or corporation." Since that codification, Texas courts have interpreted "corporation" to apply only to that specific type of business organization and not more broadly to limited liability companies and other entities not specifically listed. It has been argued that there is no public policy reason to recognize a right to recovery of fees from certain types of entities but not others. S.B. 808 seeks to authorize the recovery of attorney's fees from any person in these actions.

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

S.B. 808 amends the Civil Practice and Remedies Code to expand the entities from which attorney's fees may be recovered in civil actions involving specified claims to include any person.

EFFECTIVE DATE

September 1, 2021.