

BILL ANALYSIS

S.B. 2275
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

A statute in the Government Code provides that the Texas Supreme Court can repeal a law that conflicts with a procedural rule adopted by the court. Some attorneys have argued that this statute may be a violation of separation of powers, as it gives the supreme court, which is part of the judicial branch, the power not only to overrule but also to repeal laws. Although the statute restricts the court's ability to repeal laws to only procedural laws, it is the court itself that decides whether a conflicting law is procedural or substantive. S.B. 2275 seeks to remedy this situation by repealing the authority of the Texas Supreme Court to repeal a law that conflicts with a rule of the court.

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. 2275 repeals Section 22.004(c), Government Code, which establishes that a rule adopted by the Texas Supreme Court repeals all conflicting laws and parts of laws governing practice and procedure in civil actions, but that substantive law is not repealed, and requires the supreme court to file with the secretary of state a list of laws or parts of laws repealed or modified in any way at the time of filing a rule.

EFFECTIVE DATE

September 1, 2023.