

BILL ANALYSIS

Senate Research Center

H.J.R. 55
By: Dutton (Ellis)
Jurisprudence
5-17-97
Engrossed

DIGEST

Currently, a claimant may go to trial and have a judgment rendered. This judgment may be appealed to an appellate court and affirmed by the court. Application for writ of error can then be filed with the Supreme Court of Texas (court). This application can be accepted or denied. Upon denial, within the requisite of 15 days of Rule 134 of the Texas Rules of Appellate Procedure, a motion for rehearing of the court's denial of the application can be made. Current law does not require the court to take action within a certain time frame on the motion for rehearing. As a result no action has been taken by the court for more than two-and-a-half years. H.J.R. 55 would provide that if the court does not act on a motion for rehearing before the 180th day after the date on which the motion is filed, the motion is denied.

PURPOSE

As proposed, H.J.R. 55 requires the submission to the voters of a constitutional amendment relating to a deadline for supreme court action on a motion for rehearing.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 31, Article V, Texas Constitution, by adding Subsection (d), to provide that if the supreme court does not act on a motion for rehearing before the 180th day after the date on which the motion is filed, the motion is denied.

SECTION 2. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held November 4, 1997. Sets forth the required language for the ballot.