

BILL ANALYSIS

Senate Research Center

S.B. 1756
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State Affairs
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As Filed

DIGEST

Currently, the Texas Association of Records Specialists is made up of records companies whose business is to secure records as a third party for use in litigation. There are more than 100 records companies in Texas obtaining in excess of 750,000 written deposition requests annually. These companies are retained by attorneys in the discovery phase of a court proceeding to secure various records by an authorization or subpoena issued pursuant to a written or oral disposition. These records companies may be required to be licensed even though they are a third party acting on a court-ordered subpoena. S.B. 1756 would exempt persons obtaining records under an authorization or subpoena issued pursuant to a written or oral deposition from licensing under the Private Investigators and Private Security Agencies Act.

PURPOSE

As proposed, S.B. 1756 outlines provisions regarding the exemption of certain persons from the provisions of the Private Investigators and Private Security Agencies Act.

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 3(a), Article 4413(29bb), V.T.C.S. (Private Investigators and Private Security Agencies Act), to provide that this Act does not apply to a person who obtains documents for use in litigation by an authorization or subpoena issued for a written or oral deposition.

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.