

BILL ANALYSIS

Senate Research Center

S.B. 207
By: Haywood
Economic Development
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As Filed

DIGEST

Currently, Chapter 41, Civil Practice and Remedies Code, does not require exemplary damages that are sought by a party in a civil trial to be awarded to the general revenue fund. Such exemplary damages are awarded to the winning litigation party. Exemplary damages are penalties that are imposed to punish the wrongdoer. In the criminal context, fines and penalties imposed on the wrongdoer are paid to the state. S.B. 207 would require a court to order an award for exemplary damages to be paid to the comptroller for deposit in the general revenue fund.

PURPOSE

As proposed, S.B. 207 requires a court to order an award of exemplary damages in certain civil suits to be deposited in the general revenue fund.

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 41.012, Civil Practice and Remedies Code, to include Section 41.014, Civil Practice and Remedies Code, as one of the sections on which a court is required to instruct a jury in a trial where a party has sought exemplary damages. Make a conforming change.

SECTION 2. Amends Chapter 41, Civil Practice and Remedies Code, by adding Section 41.014, as follows:

Sec. 41.014. PAYMENT OF AWARD TO GENERAL REVENUE FUND. Requires the court to order an award of exemplary damages be paid to the comptroller for deposit in the general revenue fund.

SECTION 3. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 4. Emergency clause.