

BILL ANALYSIS

Senate Research Center

H.B. 1142
By: Thompson (Ellis)
Jurisprudence
4/9/1999
Engrossed

DIGEST

Currently, county clerks are required to maintain probate record books. Rather than using individual fee, docket, claim, and index record books, many clerks computerize records and place probate records in a case folder for use as evidence in court proceedings. H.B. 1142 allows county clerks to maintain records in certain formats besides paper records.

PURPOSE

As proposed, H.B. 1142 creates provisions expanding the authorized record keeping procedures regarding guardianship proceedings and a decedent's estate.

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 Chapter I, Texas Probate Code, by amending Sections 15, 17, and 18, and adding Section 17A, as follows:

Sec. 15. New heading: CASE FILES. Requires the county clerk to maintain a case file for each decedent's estate in which a probate proceeding has been filed, rather than a certain record book. Sets forth requirements for the case file. Deletes text regarding decrees, and makes conforming changes.

Sec. 17. New heading: MAINTAINING RECORDS IN LIEU OF RECORD BOOKS. Authorizes the county clerk to maintain certain information on a computer file, on microfilm, in a digitized optical image, or in another form of data compilation.

Sec. 17A. INDEX. Requires the county clerk to index the records, rather than each record book. Prohibits the county clerk from releasing custody of the index, rather than from letting it out of his custody. Makes conforming and nonsubstantive changes.

Sec. 18. USE OF RECORDS AS EVIDENCE. Makes conforming and nonsubstantive changes.

SECTION 2. Amends Chapter XIII(2)(C), Texas Probate Code, by amending Sections 625, 627, and 628, and adding Section 627A, as follows:

Sec. 625. New heading: CASE FILES. Requires the county clerk to maintain a case file for each person's filed guardianship proceedings, rather than a certain record book. Sets forth requirements for the case file. Deletes text regarding decrees, and makes conforming changes.

Sec. 627. New heading: MAINTAINING RECORDS IN LIEU OF RECORD BOOKS. Authorizes the county clerk to maintain certain information on a computer file, on microfilm, in a digitized optical image, or in another form of data compilation.

Sec. 627A. INDEX. Requires the county clerk to index the records, rather than each record book. Prohibits the county clerk from releasing custody of the index, rather than from letting it out of his custody. Makes conforming and nonsubstantive changes.

Sec. 628. USE OF RECORDS AS EVIDENCE. Makes conforming and nonsubstantive changes.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.