

BILL ANALYSIS

Senate Research Center

H.B. 806
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Criminal Justice
5/11/1999
Engrossed

DIGEST

the 75th Legislature authorized the use of digital signatures on court documents. The statute was placed in the Business and Commerce Code, but not in the Code of Criminal Procedure. Current law does not specifically state that digital signatures are approved in criminal cases. Accordingly, court officers have refrained from using digital signatures in criminal cases. This bill would explicitly authorize the use of digital signatures in criminal cases by placing authority in the Code of Criminal Procedure.

PURPOSE

As proposed, H.B. 806 authorizes the use of digital signatures in criminal cases by placing authority in the Code of Criminal Procedure.

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 2, Code of Criminal Procedure, by adding Article 2.26, to define “digital signature.” Provides that an electronically transmitted document issued or received by a court in a criminal matter is considered signed if a digital signature is transmitted with the document. Provides that this section does not preclude any symbol from being valid as a signature under other applicable law, including Section 1.201(39), Business & Commerce Code. Provides that the use of digital signature under this section is subject to criminal laws pertaining to fraud and computer crimes, including Chapters 32 and 33, Penal Code.

SECTION 2. Amends Article 45.021, Code of Criminal Procedure, by amending Subsection (a) and adding Subsection (f), to provide that a statutory requirement that a document contain the signature of any person, including a judge, clerk of the court, or defendant, is satisfied if the document contains that signature as captured on an electronic device. Makes conforming changes.

SECTION 3. Amends Section 543.003, Transportation Code, to delete the requirement that a magistrate issue in duplicate a written notice to appear in court.

SECTION 4. Amends Section 543.005, Transportation Code, to authorize the signature to be obtained on a duplicate form or on an electronic device capable of creating a copy of the signed notice. Makes conforming changes.

SECTION 5. Amends Section 543.007, Transportation Code, to make conforming changes.

SECTION 6. Emergency clause.
Effective date: upon passage.