

BILL ANALYSIS

Senate Research Center
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S.B. 1021
By: Ellis
Jurisprudence
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DIGEST

Currently, a county clerk must keep probate records. Many county clerks have eliminated the use of individual record books such as the fee book, docket book, and claim book. In place of individual record books, the index is computerized and all probate records are placed in the case folder. Microfilm and optical imaging are used for security reasons and to provide public access in lieu of the paper records or when the case file is not available, such as when the case folder is in the judge's office. S.B. 1021 would authorize clerks to maintain records in other formats in addition to paper records.

PURPOSE

As proposed, S.B. 1021 authorizes certain clerks to maintain records in formats other than paper.

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 17 and 18 and adding Sections 17A and 17B, as follows:

Sec. 17. New heading: KEEPING INDIVIDUAL CASE FILES IN LIEU OF RECORD BOOKS. Authorizes the county clerk to maintain the claims, papers, and other information relating to a person's or estate's probate proceedings in an individual case file for that person or estate, in lieu of keeping the record books described in Sections 13-16 of this code.

Sec. 17A. INDEX. Authorizes a county clerk who maintains the claims, papers, and other information regarding certain probate proceedings of a person or an estate to maintain a computerized index of each person's or estate's case file and to keep the index open for public inspection during regular business hours. Makes a conforming change.

Sec. 17B. COURT RECORDS. Authorizes a county clerk to maintain a court record on microfilm, as a digitized optical image, or in another similar form of data compilation.

Sec. 18. USE OF RECORDS AS EVIDENCE. Requires the record books or case files or reproductions of the records to be evidence in any court of this state. Makes conforming changes.

SECTION 2. Amends Part 2C, Chapter XIII, Texas Probate Code, by amending Sections 627 and 628 and adding Sections 627A and 627B, as follows:

Sec. 627. KEEPING INDIVIDUAL CASE FILES IN LIEU OF RECORD BOOKS. Authorizes the county clerk who keeps certain record books to use an individual case file in lieu of the books.

Sec. 627A. INDEX. Authorizes a county clerk to maintain a computerized index of case files and to keep the index open for public inspection, if the clerk maintains certain information regarding probate proceedings in an individual case file. Makes a conforming change.

Sec. 627B. COURT RECORDS. Authorizes a court clerk to maintain a paper record on microfilm or other similar form of data compilation.

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

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.