

BILL ANALYSIS

Senate Research Center
76R791 JMC-D

S.B. 851
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Jurisprudence
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As Filed

DIGEST

Currently, Texas law does not allow the use of electronic subpoenas in civil or criminal actions. Most counties in Texas currently use computer technology to update the judicial process and make it more efficient and cost effective. This bill would authorize the issuance of an electronic subpoena in civil actions, and the filing of felony subpoenas by certain means.

PURPOSE

As proposed, S.B. 851 authorizes the issuance of an electronic subpoena.

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 30, Civil Practice and Remedies Code, by adding Section 30.011, as follows:

Sec. 30.011. ELECTRONIC SUBPOENA APPLICATION. Authorizes the issuance of an electronic subpoena, as an addition to existing means of issuance of subpoenas, in writing. Prohibits this section from modification or repeal by supreme court rules, notwithstanding Section 22.004, Government Code.

SECTION 2. Amends Article 24.03(a), Code of Criminal Procedure, to require certain persons to make an application in writing or by electronic means for a subpoena, rather than to make written, sworn application. Makes conforming changes.

SECTION 3. Emergency clause.
Effective date: upon passage.