

BILL ANALYSIS

Senate Research Center
77R10144 DAK-D

H.B. 1823
By: Howard (Armbrister)
Jurisprudence
5/11/2001
Engrossed

DIGEST AND PURPOSE

Under current law, a person may be awarded minimal statutory damages if a communication, including speech that is transmitted in whole or part with the aid of wire or cable, is illegally intercepted. Because of increasingly complex computer technologies and regular occurrences of identity theft, privacy rights are a legitimate concern. H.B. 1823 increases the amount of statutory and actual damages that may be awarded in a cause of action for interception of a private communication.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 123.004, Civil Practice and Remedies Code, to entitle a person who establishes a cause of action under this chapter to statutory damages of \$10,000 for each occurrence, rather than \$1,000, and all actual damages in excess of \$10,000, rather than \$1,000.

SECTION 2. Effective date: September 1, 2001.

Provides that this Act applies only to an action commenced on or after the effective date of this Act, or before the effective date of this Act if final judgment in the action has not been entered before the effective date of this Act.

Provides that an action commenced before the effective date of this Act in which final judgment has been entered before the effective date of this Act is governed by the law applicable to the action immediately before the effective date of this Act, and that law is continued in effect for that purpose.