

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1422
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Jurisprudence
4/3/2013
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, many courts allow for electronic filing (e-filing) of documents, and e-filing will become mandatory for most courts later this year. However, attorneys are not authorized in statute to digitally sign documents in family law cases. This leads to the practice of printing documents on paper solely to apply a signature then subsequently scanning the document back into digital format for filing. C.S.S.B. 1422 provides the potential to eliminate that unnecessary process of printing documents that will be e-filed by allowing the use of digitized signatures in family law cases. The bill also protects against fraudulent use of the digital signature by requiring that the attorney maintain exclusive control over the signature.

C.S.S.B. 1422 amends current law relating to the use of digitized signatures for pleadings and orders in suits affecting the parent-child relationship.

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 Chapter 101, Family Code, by adding Section 101.0096, as follows:

Sec. 101.0096. DIGITIZED SIGNATURE. Defines "digitized signature" as a graphic image of a handwritten signature having the same legal force and effect for all purposes as a handwritten signature.

SECTION 2. Amends Chapter 102, Family Code, by adding Section 102.014, as follows:

Sec. 102.014. USE OF DIGITIZED SIGNATURE. (a) Provides that a digitized signature on an original petition under this chapter or any other pleading or order in a suit satisfies the requirements for and imposes the duties of signatories to pleadings, motions, and other papers identified under Rule 13, Texas Rules of Civil Procedure.

(b) Authorizes a digitized signature under this section to be applied only by, and requires that it remain under the sole control of, the person whose signature is represented.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2013.