

BILL ANALYSIS

H.B. 2776
By: Smithee
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that although the state and certain state entities may supersede a judgment or order in a civil suit on appeal, some plaintiffs may be allowed to counter-supersede the judgment or order, which can result in substantial cost to the state even if it eventually prevails in the suit. H.B. 2776 seeks to address this issue through the adoption of certain rules by the Supreme Court of Texas.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Supreme Court of Texas in SECTION 1 of this bill.

ANALYSIS

H.B. 2776 amends the Government Code to require the Supreme Court of Texas to adopt rules to provide that the right of the state, a department of the state, and the head of such a department, which are exempt as an appellant from the requirement to file a bond for court costs incident to a suit filed by the entity or officer or for an appeal or writ of error taken out by the entity or officer, to supersede a judgment or order on appeal is not subject to being counter-superseded under any rule. The bill requires the supreme court to adopt such rules before May 1, 2018.

EFFECTIVE DATE

September 1, 2017.