

BILL ANALYSIS

H.B. 4551
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been noted that in cases for which a court determines that a political subdivision acted unlawfully or without authority, the court typically does not award court costs and attorney's fees to the prevailing party. Concerns have been raised that this makes it excessively expensive for aggrieved parties to seek judicial redress with regard to political subdivisions and may discourage citizens from challenging potentially unlawful actions by political subdivisions. H.B. 4551 seeks to address this issue by requiring the award of court costs and attorneys fees to the prevailing party in certain actions challenging certain local laws of political subdivisions or the failure of certain political subdivisions to perform certain actions.

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

ANALYSIS

H.B. 4551 amends the Civil Practice and Remedies Code to require a court that determines that an order, ordinance, or similar measure of a political subdivision, other than a municipality or county with a population of less than 45,000, is unenforceable because it is preempted by the state constitution or a state statute to award the person prevailing in the action court costs and reasonable and necessary attorney's fees to be paid by the political subdivision. The bill requires a court that determines that an officer of a political subdivision, other than a municipality or county with a population of less than 45,000, has failed to perform an act of the office required by the state constitution or a state statute to award the person prevailing in the action court costs and reasonable and necessary attorney's fees to be paid by the political subdivision for which the officer served at the time of the failure to perform the act. The bill's provisions apply only to an action commenced on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2019.