

BILL ANALYSIS

Senate Research Center
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S.B. 1011
By: Brown
Jurisprudence
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As Filed

DIGEST

Currently, court reporters are certified by the Texas Supreme Court, and subject to standards established to ensure neutrality and equal fairness to all parties in any litigation. There are, however, court reporting firms that are run by non-court reporters, and therefore not subject to the standards of conduct established for the profession. S.B. 1011 would establish provisions regarding contracting by court reporters, and provide certain penalties.

PURPOSE

As proposed, S.B. 1011 establishes provisions regarding contracting by court reporters, and provides certain penalties.

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 Section 52.034, Government Code, to provide that in this section, an employee of a party to an action, includes a person who is employed full- or part-time by a party to an action who has a contractual relationship with a person to provide court reporting services. Prohibits a person providing court reporting services, rather than a court reporter, from entering into or providing services relating to a contractual agreement with certain parties or persons; attorneys for certain parties; or persons having financial or contractual interest, except for an agreement to appear at a designated time and place for a designated matter. Prohibits a person who provides court reporting services from taking a deposition under a prohibited contract. Provides that a deposition taken under a prohibited contract is invalid. Provides that this section does not apply to a contract for court reporting services made by the United States, rather than for a court, agency, or instrumentality thereof, or by this state or a political subdivision of this state. Provides that this section does apply if this state or a political subdivision of the state is a party to an action. Establishes that a person who violates this section is subject to disciplinary action. Provides that a person who violates this section commits a Class A misdemeanor. Deletes text regarding the prohibition of certain court reporting services that are under an exclusive or nonexclusive contractual agreement.

SECTION 2. Effective date: September 1, 1999.
Makes application of this Act prospective.

SECTION 3. Emergency clause.