

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1011

By: Brown

Jurisprudence

4/13/1999

Committee Report (Substituted)

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. C.S.S.B. 1011 would establish provisions regarding contracting by court reporters or firms that provide court reporting services, and provide certain penalties.

PURPOSE

As proposed, C.S.S.B. 1011 establishes provisions regarding contracting by court reporters or firms that provide court reporting services, 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 prohibit a court reporter or firm that provides court reporting services (reporter), rather than solely 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 reporter 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 providing certain conditions. 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. Makes conforming changes.

SECTION 2. (a) Effective date: September 1, 1999.

(b) Makes application of this Act prospective.

(c) Requires any contract in violation of the terms to be null and void on March 1, 2000.

SECTION 3. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 52.034, Government Code, to establish that this section refers to a court reporter or a firm that provides court reporting services. Deletes proposed Subsection (a) and renumbers subsequent subsections. Makes conforming changes.

SECTION 2.

Makes application of this Act prospective, Requiring, however, any contract in violation of the terms to be null and void on March 1, 2000.