

## **BILL ANALYSIS**

Senate Research Center  
82R5325 MAW-D

H.B. 1381  
By: Madden (Whitmire)  
Criminal Justice  
5/6/2011  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Some sheriffs and constables have requested permission to serve civil process on an inmate of the Texas Department of Criminal Justice (TDCJ) by serving the warden or a person designated as an agent for service of civil process, thereby reducing the amount of time spent by the server passing through multiple security checkpoints at the TDCJ facility. The warden or designee could then make personal service on the offender.

Several states have statutes specifically authorizing service on incarcerated persons through a third person, but there is currently no clear statutory authority in Texas for substitute service under these circumstances. H.B. 1381 seeks to remedy this situation by allowing a TDCJ employee to accept service on behalf of an inmate.

H.B. 1381 amends current law relating to the service of civil process on an inmate of the Texas Department of Criminal Justice.

### **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 Subchapter B, Chapter 17, Civil Practice and Remedies Code, by adding Section 17.029, as follows:

Sec. 17.029. SERVICE ON INMATE OF TEXAS DEPARTMENT OF CRIMINAL JUSTICE. (a) Defines, in this section, "inmate."

(b) Authorizes citation or other civil process, in a civil action against an inmate, to be served on the inmate by serving a person designated under Subsection (c) as an agent for service of civil process.

(c) Requires the warden of each facility operated by or under contract with the Texas Department of Criminal Justice (TDCJ) to designate an employee at the facility to serve as an agent for service of civil process on inmates confined in the facility.

(d) Requires an employee designated under Subsection (c) as an agent for service of civil process to promptly deliver any civil process served on the employee to the appropriate inmate.

SECTION 2. Requires the warden of each facility operated by or under contract with TDCJ, not later than December 1, 2011, to designate an employee at the facility to serve as an agent for service of civil process as required by Section 17.029, Civil Practice and Remedies Code, as added by this Act.

SECTION 3. Effective date: September 1, 2011.