

## CHAPTER 861

## S.B. No. 820

## AN ACT

relating to free transcripts of statements of facts for appeals in which an affidavit of inability to pay costs has been filed.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Chapter 13, Civil Practice and Remedies Code, is amended by adding Section 13.003 to read as follows:

*Sec. 13.003. FREE TRANSCRIPT OF STATEMENT OF FACTS ON APPEAL. (a) A court reporter shall provide without cost a transcript of the statement of facts for appealing a judgment from the court only if:*

*(1) an affidavit of inability to pay the cost of the appeal has been filed under the Texas Rules of Appellate Procedure; and*

*(2) the trial judge finds:*

*(A) the appeal is not frivolous; and*

*(B) the statement of facts is needed to decide the issue presented by the appeal.*

*(b) In determining whether an appeal is frivolous, a judge may consider whether the appellant has presented a substantial question for appellate review.*

SECTION 2. (a) This Act takes effect September 1, 1993.

(b) This Act applies only to an appeal filed on or after the effective date of this Act. An appeal filed before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on April 30, 1993: Yeas 28, Nays 0; the Senate concurred in House amendments on May 28, 1993, by a viva-voce vote; passed the House, with amendments, on May 26, 1993, by a non-record vote.

Approved June 18, 1993.

Effective Sept. 1, 1993.