

1-1 By: Fraser S.B. No. 735
 1-2 (In the Senate - Filed February 24, 2015; March 2, 2015,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 April 22, 2015, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 7, Nays 2; April 22, 2015,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10		X		
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17		X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 735 By: Ellis

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to discovery of evidence of the net worth of a defendant in
 1-22 connection with a claim for exemplary damages.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 41.001, Civil Practice and Remedies
 1-25 Code, is amended by adding Subdivision (7-a) to read as follows:

1-26 (7-a) "Net worth" means the total assets of a person
 1-27 minus the total liabilities of the person on a date determined
 1-28 appropriate by the trial court.

1-29 SECTION 2. Chapter 41, Civil Practice and Remedies Code, is
 1-30 amended by adding Section 41.0115 to read as follows:

1-31 Sec. 41.0115. DISCOVERY OF EVIDENCE OF NET WORTH FOR
 1-32 EXEMPLARY DAMAGES CLAIM. (a) On the motion of a party and after
 1-33 notice and a hearing, a trial court may authorize discovery of
 1-34 evidence of a defendant's net worth if the court finds in a written
 1-35 order that the claimant has demonstrated a substantial likelihood
 1-36 of success on the merits of a claim for exemplary damages. Evidence
 1-37 submitted by a party to the court in support of or in opposition to a
 1-38 motion made under this subsection may be in the form of an affidavit
 1-39 or a response to discovery.

1-40 (b) If a trial court authorizes discovery under Subsection
 1-41 (a), the court's order may only authorize use of the least
 1-42 burdensome method available to obtain the net worth evidence.

1-43 (c) When reviewing an order authorizing or denying
 1-44 discovery of net worth evidence under this section, the reviewing
 1-45 court may consider only the evidence submitted by the parties to the
 1-46 trial court in support of or in opposition to the motion described
 1-47 by Subsection (a).

1-48 SECTION 3. The change in law made by this Act applies only
 1-49 to an action filed on or after the effective date of this Act.

1-50 SECTION 4. This Act takes effect September 1, 2015.

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