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Top Ten Tips For Drafting Legislation

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TOP TEN TIPS FOR DRAFTING LEGISLATION

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TOP TEN TIPS



- 1. Get organized.
- 2. Read the Code Construction Act.
- 3. Be clear, concise, and consistent.
- 4. Avoid substantive and artificial definitions.
- 5. Keep in mind other laws that may apply.
- 6. Think about enforceability.
- 7. Consider whether transitions are needed.
- 8. Include an appropriate effective date.
- 9. Include an accurate caption.
- 10. Prepare good amendments.

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WHAT IS GOOD LEGISLATION?

- Good legislation is constitutional.
- It complies with drafting conventions.
- It meets the policy needs of legislators and constituents.

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HEADING

By: Jackson, Anchia, Weber

H.R. No. 290

Sec. 35(b), Art.
III, Tex. Con.
and
House Rule 8,
Sec. 1
and
Senate Rule 7.02



CAPTION

A BILL TO BE ENTITLED

AN ACT

relating to the punishment for the offense of employment harmful to children.

ENACTING CLAUSE

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Sec. 29, Art. III,
Tex. Con.
and
House Rule 8,
Sec. 1

RECITAL

SECTION 1. Section 43.25(c), Penal Code, is amended to read as follows:

(c) An offense under this section is a Class A misdemeanor, unless it is shown on the trial of the offense that the defendant has previously been convicted under this section, in which event the offense is a felony of the third degree.

SAVINGS CLAUSE

(TRANSITION)

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

See also Sec.
311.031, Gov.
Code

EFFECTIVE DATE

(TRANSITION)

SECTION 3. This Act takes effect September 1, 2017.

Sec. 39, Art. III,
Tex. Con.

TLC
DRAFTING
NUMBER

826117 HLN-0

1

Model Bill

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1. GET ORGANIZED.

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See Chapter 3 of the Texas Legislative Council Drafting Manual.



1. GET ORGANIZED. (EXTERNAL)

- First, there is external organization.
 - What is the existing law?
 - Do you need to amend the existing law? Or, is adding a new section, subchapter, or chapter necessary?
Note: You may need to do both.
 - It can be useful to browse the table of contents of a code to figure out where to “put” a new provision.
 - Look for statutes on the same or a similar topic.
 - Consider where others would logically expect to find the new provision.

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