

By: Hughes, et al.  
(Leach)

S.B. No. 896

Substitute the following for S.B. No. 896:

By: Leach

C.S.S.B. No. 896

A BILL TO BE ENTITLED

AN ACT

relating to the stay of proceedings pending an interlocutory appeal of a denial of a motion to dismiss in an action involving the exercise of certain constitutional rights.

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

SECTION 1. Section 51.014, Civil Practice and Remedies Code, is amended by amending Subsection (b) and adding Subsections (c-1) and (c-2) to read as follows:

(b) An interlocutory appeal under Subsection (a), other than an appeal under Subsection (a)(4) or in a suit brought under the Family Code, stays the commencement of a trial in the trial court pending resolution of the appeal. An interlocutory appeal under Subsection (a)(3), (5), or (8) [~~, or (12)~~] also stays all other proceedings in the trial court pending resolution of that appeal. An interlocutory appeal under Subsection (a)(12) stays commencement of a trial and other proceedings in the trial court as provided by Subsection (c-1).

(c-1) A denial of a motion to dismiss described by Subsection (a)(12):

(1) stays commencement of a trial and other proceedings in the trial court until the 61st day after the date the order denying the motion is signed if the order denying the motion states the motion was:

(A) denied as not timely filed under Section

1 27.003(b);

2 (B) denied because the action is exempt under a  
3 specified subdivision of Section 27.010(a); or

4 (C) determined to be frivolous or solely intended  
5 to delay under Section 27.009(b); or

6 (2) stays commencement of a trial and other  
7 proceedings in the trial court pending resolution of the appeal if  
8 the motion was denied for a reason not provided by Subdivision (1)  
9 or the order does not state a reason for denying the motion.

10 (c-2) For a denial of a motion to dismiss to which  
11 Subsection (c-1)(1) applies, the court of appeals in which the  
12 appeal from the order denying the motion to dismiss is filed may  
13 stay commencement of trial and other proceedings in the trial court  
14 on a determination that the appellant is likely to succeed on the  
15 merits or in the interest of justice.

16 SECTION 2. The change in law made by this Act applies only  
17 to the denial of a motion to dismiss ordered on or after the  
18 effective date of this Act. A denial of a motion to dismiss ordered  
19 before the effective date of this Act is governed by the law  
20 applicable to the denial immediately before the effective date of  
21 this Act, and that law is continued in effect for that purpose.

22 SECTION 3. This Act takes effect immediately if it receives  
23 a vote of two-thirds of all the members elected to each house, as  
24 provided by Section 39, Article III, Texas Constitution. If this  
25 Act does not receive the vote necessary for immediate effect, this  
26 Act takes effect September 1, 2023.