

By: Hinojosa

S.B. No. 385

A BILL TO BE ENTITLED

AN ACT

relating to the appeal of an order denying a motion for sanctions against a frivolous pleading or motion.

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

SECTION 1. Section 51.014(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) A person may appeal from an interlocutory order of a district court, county court at law, or county court that:

(1) appoints a receiver or trustee;

(2) overrules a motion to vacate an order that appoints a receiver or trustee;

(3) certifies or refuses to certify a class in a suit brought under Rule 42 of the Texas Rules of Civil Procedure;

(4) grants or refuses a temporary injunction or grants or overrules a motion to dissolve a temporary injunction as provided by Chapter 65;

(5) denies a motion for summary judgment that is based on an assertion of immunity by an individual who is an officer or employee of the state or a political subdivision of the state;

(6) denies a motion for summary judgment that is based in whole or in part upon a claim against or defense by a member of the electronic or print media, acting in such capacity, or a person whose communication appears in or is published by the electronic or print media, arising under the free speech or free press clause of

1 the First Amendment to the United States Constitution, or Article
2 1, Section 8, of the Texas Constitution, or Chapter 73;

3 (7) grants or denies the special appearance of a
4 defendant under Rule 120a, Texas Rules of Civil Procedure, except
5 in a suit brought under the Family Code; [~~or~~]

6 (8) grants or denies a plea to the jurisdiction by a
7 governmental unit as that term is defined in Section 101.001; or

8 (9) denies a motion under Section 10.002 for sanctions
9 against a frivolous pleading or motion.

10 SECTION 2. This Act takes effect September 1, 2003, and
11 applies only to a suit commenced on or after that date. A suit
12 commenced before the effective date of this Act is governed by the
13 law applicable to the suit immediately before the effective date of
14 this Act, and that law is continued in effect for that purpose.