

By: Hartnett

H.B. No. 720

Substitute the following for H.B. No. 720:

By: Madden

C.S.H.B. No. 720

A BILL TO BE ENTITLED

AN ACT

relating to the designation of a person as a vexatious litigant.

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

SECTION 1. Section 11.001(3), Civil Practice and Remedies Code, is amended to read as follows:

(3) "Local administrative judge" means a local administrative district judge, a local administrative statutory probate court judge, or a local administrative statutory county court judge.

SECTION 2. Section 11.101, Civil Practice and Remedies Code, is amended by adding Subsection (c) to read as follows:

(c) A litigant may appeal from a prefiling order entered under Subsection (a) designating the person a vexatious litigant.

SECTION 3. Section 11.102, Civil Practice and Remedies Code, is amended by adding Subsection (c) to read as follows:

(c) A decision of a local administrative judge denying a litigant permission to file a litigation under Subsection (a), or conditioning permission to file a litigation on the furnishing of security under Subsection (b), is not grounds for appeal, except that the litigant may apply for a writ of mandamus with the court of appeals not later than the 30th day after the date of the decision. The denial of a writ of mandamus by the court of appeals is not grounds for appeal to the supreme court or court of criminal appeals.

1 SECTION 4. Section 11.103, Civil Practice and Remedies
2 Code, is amended by amending Subsection (a) and adding Subsection
3 (d) to read as follows:

4 (a) Except as provided by Subsection (d), a [A] clerk of a
5 court may not file a litigation, original proceeding, appeal, or
6 other claim presented by a vexatious litigant subject to a
7 prefiling order under Section 11.101 unless the litigant obtains an
8 order from the local administrative judge permitting the filing.

9 (d) A clerk of a court of appeals may file an appeal from a
10 prefiling order entered under Section 11.101 designating a person a
11 vexatious litigant or a timely filed writ of mandamus under Section
12 11.102(c).

13 SECTION 5. Section 11.104, Civil Practice and Remedies
14 Code, is amended to read as follows:

15 Sec. 11.104. NOTICE TO OFFICE OF COURT ADMINISTRATION;
16 DISSEMINATION OF LIST. (a) A clerk of a court shall provide the
17 Office of Court Administration of the Texas Judicial System a copy
18 of any prefiling order issued under Section 11.101 not later than
19 the 30th day after the date the prefiling order is signed.

20 (b) The Office of Court Administration of the Texas Judicial
21 System shall post on the agency's Internet website ~~[maintain]~~ a
22 list of vexatious litigants subject to prefiling orders under
23 Section 11.101 ~~[and shall annually send the list to the clerks of~~
24 ~~the courts of this state]~~. On request of a person designated a
25 vexatious litigant, the list shall indicate whether the person
26 designated a vexatious litigant has filed an appeal of that
27 designation.

1 SECTION 6. The posting, before the effective date of this
2 Act, of the name of a person designated a vexatious litigant under
3 Chapter 11, Civil Practice and Remedies Code, on a list of vexatious
4 litigants on the Internet website of the Office of Court
5 Administration of the Texas Judicial System is not:

6 (1) grounds for a cause of action;

7 (2) a defense against a finding that a plaintiff is a
8 vexatious litigant under Chapter 11, Civil Practice and Remedies
9 Code; or

10 (3) grounds for relief or appeal from a stay, order, or
11 dismissal or any other action taken by a court or a clerk of a court
12 under Chapter 11, Civil Practice and Remedies Code.

13 SECTION 7. This Act takes effect September 1, 2011.