

By: Hartnett

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 11.103, Civil Practice and Remedies Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

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

(d) A clerk of an appellate court may file an appeal from a prefiling order entered under Section 11.101 designating a person a vexatious litigant.

SECTION 2. Section 11.104(b), Civil Practice and Remedies Code, is amended to read as follows:

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

SECTION 3. The posting, before the effective date of this

1 Act, of the name of a person designated a vexatious litigant under
2 Chapter 11, Civil Practice and Remedies Code, on a list of vexatious
3 litigants on the Internet website of the Office of Court
4 Administration of the Texas Judicial System is not:

5 (1) grounds for a cause of action;

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

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

12 SECTION 4. This Act takes effect September 1, 2011.