

By: Hughes

H.B. No. 1418

A BILL TO BE ENTITLED

AN ACT

relating to inmate litigation.

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

SECTION 1. Section 14.002(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) This chapter applies only to an action, including an appeal or original proceeding, [a suit] brought by an inmate in a district, county, justice of the peace, or small claims court or an appellate court, including the supreme court or the court of criminal appeals, in which an affidavit or unsworn declaration of inability to pay costs is filed by the inmate.

SECTION 2. Sections 14.004(a) and (b), Civil Practice and Remedies Code, are amended to read as follows:

(a) An inmate who files an affidavit or unsworn declaration of inability to pay costs shall file a separate affidavit or declaration:

(1) identifying each action [suit], other than an action [a suit] under the Family Code, previously brought by the person and in which the person was not represented by an attorney, without regard to whether the person was an inmate at the time the action [suit] was brought; and

(2) describing each action [suit] that was previously brought by:

(A) stating the operative facts for which relief

1 was sought;

2 (B) listing the case name, cause number, and the  
3 court in which the action [~~suit~~] was brought;

4 (C) identifying each party named in the action  
5 [~~suit~~]; and

6 (D) stating the result of the action [~~suit~~],  
7 including whether the action or a claim that was a basis for the  
8 action [~~suit~~] was dismissed as frivolous or malicious under Section  
9 13.001 or Section 14.003 or otherwise.

10 (b) If the affidavit or unsworn declaration filed under this  
11 section states that a previous action or claim [~~suit~~] was dismissed  
12 as frivolous or malicious, the affidavit or unsworn declaration  
13 must state the date of the final order affirming the dismissal.

14 SECTION 3. Section 14.007(a), Civil Practice and Remedies  
15 Code, is amended to read as follows:

16 (a) An order of a court under Section 14.006(a) shall  
17 include the costs described by Subsection (b) if the court finds  
18 that:

19 (1) the inmate has previously filed an action to which  
20 this chapter applies [~~in a district, county, justice of the peace,~~  
21 ~~or small claims court~~]; and

22 (2) a final order has been issued that affirms that the  
23 action was dismissed as frivolous or malicious under Section 13.001  
24 or Section 14.003 or otherwise.

25 SECTION 4. The change in law made by this Act applies only  
26 to an action brought on or after the effective date of this Act. An  
27 action brought before the effective date of this Act is governed by

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1 the law in effect immediately before the effective date of this Act,  
2 and that law is continued in effect for that purpose.

3 SECTION 5. This Act takes effect September 1, 2011.