

By: Hunter

H.B. No. 2974

A BILL TO BE ENTITLED

AN ACT

relating to encouraging public participation by citizens by protecting a person's right to petition, right of free speech, and right of association.

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

SECTION 1. This Act may be cited as the Citizens Participation Act.

SECTION 2. Subtitle B, Title 2, Civil Practice and Remedies Code, is amended by adding Chapter 27 to read as follows:

CHAPTER 27. ACTIONS INVOLVING EXERCISE OF CERTAIN

CONSTITUTIONAL RIGHTS

Sec. 27.001. MOTION TO DISMISS. If a legal action is based on, relates to, or is in response to a party's exercise of the right of free speech, right to petition, or right of association, that party may file a motion to dismiss the legal action.

Sec. 27.002. HEARING. A hearing on a motion under Section 27.001 must be set not later than the 30th day after the date of service of the motion unless the docket conditions of the court require a later hearing.

Sec. 27.003. RULING. The court must rule on a motion under Section 27.001 not later than the 30th day following the date of the hearing on the motion.

Sec. 27.004. EVIDENCE. In determining whether a legal action should be dismissed under this chapter, the court shall

1 consider the pleadings and supporting and opposing affidavits
2 stating the facts on which the liability or defense is based.

3 Sec. 27.005. ADDITIONAL FINDINGS. At the request of a party
4 making a motion under Section 27.001, the court shall issue
5 findings regarding whether the legal action was brought to deter or
6 prevent the moving party from exercising constitutional rights.

7 Sec. 27.006. APPEAL. If a court does not rule on a motion to
8 dismiss under Section 27.001 in the time prescribed by Section
9 27.003, the motion is considered to have been denied by operation of
10 law and the moving party may appeal.

11 Sec. 27.007. DAMAGES AND COSTS. If the court orders
12 dismissal of a legal action under this chapter, the court shall
13 award to the moving party court costs, reasonable attorney's fees,
14 and other expenses incurred in defending against the legal action.

15 SECTION 3. The change in law made by this Act applies only
16 to a legal action filed on or after the effective date of this Act.
17 A legal action filed before the effective date of this Act is
18 governed by the law in effect immediately before that date, and that
19 law is continued in effect for that purpose.

20 SECTION 4. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2011.