

By: Harris

S.B. No. 1029

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 11.101, 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 2. 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.

SECTION 3. 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, original proceeding, appeal, or other claim presented by a vexatious litigant subject to a

1 prefiling order under Section 11.101 unless the litigant obtains an
2 order from the local administrative judge permitting the filing.

3 (d) A clerk of a court of appeals may file an appeal from a
4 prefiling order entered under Section 11.101 designating a person a
5 vexatious litigant or a timely filed writ of mandamus under Section
6 11.102(c).

7 SECTION 4. Section 11.104, Civil Practice and Remedies
8 Code, is amended to read as follows:

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

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

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

27 (1) grounds for a cause of action;

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

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

7 SECTION 6. This Act takes effect September 1, 2011.