

BILL ANALYSIS

C.S.H.B. 2935
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Recently enacted legislation set out provisions governing the dismissal of actions involving the exercise of the right of free speech, the right to petition, or the right of association. Those provisions provide for certain appeals with respect to a motion to dismiss if the court issues an order on the motion or if the court fails to rule on the motion in the time prescribed. However, interested parties observe that there has been some inconsistency in the interpretation of these provisions by certain appellate courts with respect to whether an interlocutory appeal is allowed in a case in which the motion to dismiss is denied. The purpose of C.S.H.B. 2935 is to clarify the right of a party in such an action to file an interlocutory appeal if the court denies a motion to dismiss the action.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2935 amends the Civil Practice and Remedies Code to authorize a person to appeal from an interlocutory order of a district court, county court at law, or county court that denies a motion to dismiss a legal action that 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. The bill specifies that such an interlocutory appeal stays all proceedings in the trial court pending resolution of the appeal.

C.S.H.B. 2935 repeals a provision relating to the filing deadline for an appeal or other writ regarding a motion to dismiss.

C.S.H.B. 2935 repeals Section 27.008(c), Civil Practice and Remedies Code.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2935 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Sections 51.014(a) and (b), Civil Practice and Remedies Code, are	SECTION 1. Same as introduced version.

amended.

SECTION 2. The change in law made by this Act applies to a denial of a motion to dismiss made on or after the effective date of this Act. A denial of a motion to dismiss made before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

No equivalent provision.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

No equivalent provision.

SECTION 2. Section 27.008(c), Civil Practice and Remedies Code, is repealed.

SECTION 3. Same as introduced version.