

By: Parker

H.B. No. 2442

A BILL TO BE ENTITLED

AN ACT

relating to a pre-suit deposition in inmate litigation.

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

SECTION 1. Chapter 14, Civil Practice and Remedies Code, is amended by adding Section 14.0025 to read as follows:

Sec. 14.0025. PRE-SUIT DEPOSITION. (a) Upon receipt of an inmate's petition for a pre-suit deposition, the court shall determine if the potential claim or suit is frivolous or malicious and provide the potential defendant with an opportunity to respond within a reasonable period of time.

(b) If the court finds that the potential claim or suit is frivolous or malicious, the court shall deny the inmate's petition for a deposition.

(c) To the extent that this section conflicts with the Texas Rules of Civil Procedure, this section controls.

SECTION 2. The change in law made by this Act applies only to a petition for a deposition filed on or after the effective date of this Act. A petition filed before the effective date of this Act is governed by the law in effect on the date the petition was filed, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2013.