

By: Hunter

H.B. No. 2935

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the interlocutory appeal of a denial of a motion to
3 dismiss in an action involving the exercise of certain
4 constitutional rights.

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

6 SECTION 1. Sections 51.014(a) and (b), Civil Practice and
7 Remedies Code, are amended to read as follows:

8 (a) A person may appeal from an interlocutory order of a
9 district court, county court at law, or county court that:

- 10 (1) appoints a receiver or trustee;
- 11 (2) overrules a motion to vacate an order that
12 appoints a receiver or trustee;
- 13 (3) certifies or refuses to certify a class in a suit
14 brought under Rule 42 of the Texas Rules of Civil Procedure;
- 15 (4) grants or refuses a temporary injunction or grants
16 or overrules a motion to dissolve a temporary injunction as
17 provided by Chapter 65;
- 18 (5) denies a motion for summary judgment that is based
19 on an assertion of immunity by an individual who is an officer or
20 employee of the state or a political subdivision of the state;
- 21 (6) denies a motion for summary judgment that is based
22 in whole or in part upon a claim against or defense by a member of
23 the electronic or print media, acting in such capacity, or a person
24 whose communication appears in or is published by the electronic or

1 print media, arising under the free speech or free press clause of
2 the First Amendment to the United States Constitution, or Article
3 I, Section 8, of the Texas Constitution, or Chapter 73;

4 (7) grants or denies the special appearance of a
5 defendant under Rule 120a, Texas Rules of Civil Procedure, except
6 in a suit brought under the Family Code;

7 (8) grants or denies a plea to the jurisdiction by a
8 governmental unit as that term is defined in Section 101.001;

9 (9) denies all or part of the relief sought by a motion
10 under Section 74.351(b), except that an appeal may not be taken from
11 an order granting an extension under Section 74.351;

12 (10) grants relief sought by a motion under Section
13 74.351(1); ~~or~~

14 (11) denies a motion to dismiss filed under Section
15 90.007; or

16 (12) denies a motion to dismiss filed under Section
17 27.003.

18 (b) An interlocutory appeal under Subsection (a), other
19 than an appeal under Subsection (a)(4), stays the commencement of a
20 trial in the trial court pending resolution of the appeal. An
21 interlocutory appeal under Subsection (a)(3), (5), ~~or~~ (8), or
22 (12) also stays all other proceedings in the trial court pending
23 resolution of that appeal.

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

26 SECTION 3. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2013.