

By: West

S.B. No. 392

A BILL TO BE ENTITLED

AN ACT

1
2 relating to notice to the attorney general of challenges to the
3 constitutionality of Texas statutes.

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

5 SECTION 1. Section 402.010, Government Code, is amended by
6 amending Subsection (a) and adding Subsection (a-1) to read as
7 follows:

8 (a) In an action in which a party to the litigation files a
9 petition, motion, or other pleading challenging the
10 constitutionality of a statute of this state, the party shall file
11 the form required by Subsection (a-1). The court shall, if the
12 attorney general is not a party to or counsel involved in the
13 litigation, serve notice of the constitutional challenge
14 [~~question~~] and a copy of the petition, motion, or other pleading
15 that raises the challenge on the attorney general either by
16 certified or registered mail or electronically to an e-mail address
17 designated by the attorney general for the purposes of this
18 section[. ~~Notice under this section must identify the statute in~~
19 ~~question, state the basis for the challenge, and specify the~~
20 ~~petition, motion, or other pleading that raises the challenge~~].

21 (a-1) The Office of Court Administration of the Texas
22 Judicial System shall adopt the form that a party challenging the
23 constitutionality of a statute of this state must file with the
24 court in which the action is pending indicating which pleading

1 should be served on the attorney general in accordance with this
2 section.

3 SECTION 2. Section 402.010, Government Code, as amended by
4 this Act, applies only to a petition, motion, or other pleading
5 filed in litigation on or after the effective date of this Act. A
6 pleading filed in litigation before the effective date of this Act
7 is governed by the law applicable to the pleading immediately
8 before the effective date of this Act, and that law is continued in
9 effect for that purpose.

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