

AN ACT

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

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

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

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

(a-1) The Office of Court Administration of the Texas Judicial System shall adopt the form that a party challenging the constitutionality of a statute of this state must file with the 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 September 1, 2013.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 392 passed the Senate on April 29, 2013, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 25, 2013, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 392 passed the House, with amendment, on May 22, 2013, by the following vote: Yeas 148, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor