

By: West
(Lewis)

S.B. No. 392

Substitute the following for S.B. No. 392:

By: Farney

C.S.S.B. No. 392

A BILL TO BE ENTITLED

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.