By:  Smithee H.B. No. 3457

A BILL TO BE ENTITLED

AN ACT

relating to the assessment of litigation costs and attorney fees in certain lawsuits under the public information law.

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

SECTION 1.  Section 552.323 of the Texas Government Code is hereby amended to add section (c) and (d) as follows:

(c)  For purposes of this section, a plaintiff has substantially prevailed if the plaintiff has obtained relief through either:

(i)  a judicial order, or an enforceable written agreement or consent decree; or

(ii)  a voluntary or unilateral change in position by the governmental body.

(d)  A requestor who intervenes in a suit brought pursuant to Section 552.324 and seeks mandamus pursuant to Section 552.321(a) shall be subject to the standard for recovery of fees set out in subsection (a) of this section.

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

SECTION 3.  This Act takes effect September 1, 2019.