

By: Watson
(Capriglione)

S.B. No. 988

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the assessment of litigation costs and attorney's fees
3 in certain actions under the public information law.

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

5 SECTION 1. Section 552.323(b), Government Code, is amended
6 to read as follows:

7 (b) In an action brought under Section 552.324, the court
8 may not assess costs of litigation or ~~and~~ reasonable attorney's
9 fees incurred by a plaintiff or defendant who substantially
10 prevails unless the court finds the action or the defense of the
11 action was groundless in fact or law. In exercising its discretion
12 under this subsection, the court shall consider whether the conduct
13 of the governmental body had a reasonable basis in law and whether
14 the litigation was brought in good faith.

15 SECTION 2. The change in law made by this Act applies only
16 to an action brought on or after the effective date of this Act. An
17 action brought before the effective date of this Act is governed by
18 the law as it existed immediately before the effective date of this
19 Act, and that law is continued in effect for that purpose.

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