

By: Hughes

S.B. No. 1981

A BILL TO BE ENTITLED

AN ACT

relating to actions involving the exercise of certain constitutional rights.

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

SECTION 1. Sections 27.001(2) and (6), Civil Practice and Remedies Code, are amended to read as follows:

(2) "Exercise of the constitutional right to petition, speak freely, or associate freely [of association]" means the exercise of the right to petition, speak freely, or associate freely as those rights are:

(A) provided by the constitutions of this state and the United States; and

(B) applied by the courts of this state and the United States [a communication between individuals who join together to collectively express, promote, pursue, or defend common interests].

(6) "Legal action" means a lawsuit, cause of action, petition, complaint, cross-claim, or counterclaim or any other judicial pleading or filing that requests legal or equitable relief. The term does not include a motion made or procedural action taken during a suit that does not amend or add a claim for legal or equitable relief.

SECTION 2. Section 27.003(a), Civil Practice and Remedies Code, is amended to read as follows:

1 (a) If a legal action is based on, relates to, or is in  
2 response to a party's exercise of the constitutional right [~~of free~~  
3 ~~speech, right~~] to petition, speak freely, or associate freely in a  
4 place or context that is open to the public [~~right of association~~],  
5 that party may file a motion to dismiss the legal action.

6 SECTION 3. Section 27.005(b), Civil Practice and Remedies  
7 Code, is amended to read as follows:

8 (b) Except as provided by Subsection (c), on the motion of a  
9 party under Section 27.003, a court shall dismiss a legal action  
10 against the moving party if the moving party shows by a  
11 preponderance of the evidence that the legal action is based on,  
12 relates to, or is in response to the party's exercise of the  
13 constitutional right to petition, speak freely, or associate freely  
14 in a place or context that is open to the public[+

15 [~~(1) the right of free speech,~~

16 [~~(2) the right to petition, or~~

17 [~~(3) the right of association~~].

18 SECTION 4. Section 27.006(a), Civil Practice and Remedies  
19 Code, is amended to read as follows:

20 (a) In determining whether a legal action should be  
21 dismissed under this chapter, the court shall consider admissible  
22 evidence submitted by the parties and the pleadings and supporting  
23 and opposing affidavits stating the facts on which the liability or  
24 defense is based.

25 SECTION 5. Section 27.009, Civil Practice and Remedies  
26 Code, is amended by amending Subsection (a) and adding Subsection  
27 (a-1) to read as follows:

1 (a) A [~~If the court orders dismissal of a legal action under~~  
2 ~~this chapter, the~~] court shall award [~~to the moving party:~~

3 [~~(1)~~] court costs, reasonable attorney's fees, and  
4 other expenses [~~incurred in defending against the legal action~~] as  
5 justice and equity may require to a moving or responding party that  
6 prevails on the matter of a motion to dismiss under Section 27.003.

7 (a-1) If a court orders dismissal of a legal action under  
8 this chapter, the court may issue [~~;~~ and

9 [~~(2)~~] sanctions against the responding party [~~who~~  
10 ~~brought the legal action~~] as the court determines sufficient to  
11 deter the party [~~who brought the legal action~~] from bringing  
12 similar actions described in this chapter.

13 SECTION 6. Section 27.010, Civil Practice and Remedies  
14 Code, is amended by adding Subsections (e), (f), and (g) to read as  
15 follows:

16 (e) This chapter does not apply to:

17 (1) a suit for dissolution of a marriage;

18 (2) a suit affecting the parent-child relationship; or

19 (3) an application for a protective order under  
20 Chapters 82, 83, 84, and 85, Family Code.

21 (f) This chapter does not apply to a suit for  
22 misappropriation of trade secrets.

23 (g) This chapter does not apply to a suit for breach of a  
24 covenant not to compete.

25 SECTION 7. Sections 27.001(1), (3), (4), (5), (7), (8), and  
26 (9) and 27.009(b), Civil Practice and Remedies Code, are repealed.

27 SECTION 8. Chapter 27, Civil Practice and Remedies Code, as

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1 amended by this Act, applies only to an action filed on or after the  
2 effective date of this Act. An action filed before the effective  
3 date of this Act is governed by the law in effect immediately before  
4 that date, and that law is continued in effect for that purpose.

5 SECTION 9. This Act takes effect September 1, 2019.