

By: Hughes

S.B. No. 896

A BILL TO BE ENTITLED

AN ACT

relating to the automatic stay of proceedings pending an interlocutory appeal of a denial of a motion to dismiss in an action involving the exercise of certain constitutional rights.

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

SECTION 1. Section 51.014, Civil Practice and Remedies Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) A denial of a motion to dismiss described by Subsection (a)(12) is not subject to the automatic stay under Subsection (b) if the order denying the motion states that the motion was:

(1) denied as not timely filed under Section 27.003(b);

(2) determined to be frivolous or solely intended to delay under Section 27.009(b); or

(3) denied because the action is exempt under Section 27.010(a).

SECTION 2. The change in law made by this Act applies only to an action filed on or after the effective date of this Act. An action filed before the effective date of this Act is governed by the law applicable to the action 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, 2023.