

BILL ANALYSIS

H.B. 2966
By: Meyer
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

State law protects citizens' First Amendment rights by providing for the early dismissal of unmeritorious lawsuits that seek to discourage the exercise of those rights. The bill author has informed the committee that these lawsuits are often brought by well-financed individuals and companies against people of lesser means who cannot afford attorneys and seek pro bono counsel or counsel who work on a reduced, fixed-fee basis. Currently, when a motion to dismiss such a lawsuit is granted, the court must award reasonable attorney's fees, but only when those fees are incurred in defending against the lawsuit. H.B. 2966 seeks to allow the recovery of reasonable attorney's fees in all lawsuits in which such a motion to dismiss is granted and deter plaintiffs from bringing frivolous suits.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2966 amends the Civil Practice and Remedies Code to change the nature of the attorney's fees that are required to be awarded by a court to the moving party in an expedited dismissal of a legal action involving the exercise of certain constitutional rights from reasonable attorney's fees incurred in defending against the action to reasonable attorney's fees for defending against the action. The bill applies only to an action filed on or after the bill's effective date. An action filed before the bill's effective date is governed by the law as it existed immediately before that date, and that law is continued in effect for that purpose.

EFFECTIVE DATE

September 1, 2025.