

By: Plesa

H.B. No. 2086

Substitute the following for H.B. No. 2086:

By: Leach

C.S.H.B. No. 2086

A BILL TO BE ENTITLED

AN ACT

relating to a motion for determining a plaintiff is a vexatious litigant.

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

SECTION 1. Section 11.051, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 11.051. MOTION FOR ORDER DETERMINING PLAINTIFF A VEXATIOUS LITIGANT AND REQUESTING SECURITY. (a) In a litigation in this state, ~~[the defendant may,]~~ on or before the 90th day after the date the defendant files the original answer or makes a special appearance:

(1) the defendant may file a motion requesting~~[, move the court for]~~ an order:

(A) [(1)] determining that the plaintiff is a vexatious litigant; and

(B) [(2)] requiring the plaintiff to furnish security; or

(2) except as provided by Subsection (b), the court on its own motion may conduct a hearing under Section 11.053 to determine whether to issue an order finding that the plaintiff is a vexatious litigant.

(b) In an action filed under Title 5, Family Code, a court may not conduct a hearing under Section 11.053 to determine whether a plaintiff is a vexatious litigant on its own motion.

SECTION 2. Section 11.052(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) On the filing of a motion under Section 11.051, the litigation is stayed and a ~~[the moving]~~ defendant subject to the motion is not required to plead:

(1) if the motion is denied, before the 10th day after the date it is denied; or

(2) if the motion is granted, before the 10th day after the date the moving defendant receives written notice that the plaintiff has furnished the required security.

SECTION 3. Section 11.053(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) On filing ~~[receipt]~~ of a motion under Section 11.051, the court shall, after notice to all parties, conduct a hearing to determine whether to grant the motion.

SECTION 4. Section 11.054, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 11.054. CRITERIA FOR FINDING PLAINTIFF A VEXATIOUS LITIGANT. A court may find a plaintiff a vexatious litigant if ~~[the defendant shows that]~~ there is not a reasonable probability that the plaintiff will prevail in the litigation against the defendant and that:

(1) the plaintiff, in the seven-year period immediately preceding the date ~~[the defendant makes]~~ the motion is filed under Section 11.051, has commenced, prosecuted, or maintained at least five litigations as a pro se litigant other than in a small claims court that have been:

1 (A) finally determined adversely to the
2 plaintiff;

3 (B) permitted to remain pending at least two
4 years without having been brought to trial or hearing; or

5 (C) determined by a trial or appellate court to
6 be frivolous or groundless under state or federal laws or rules of
7 procedure;

8 (2) after a litigation has been finally determined
9 against the plaintiff, the plaintiff repeatedly relitigates or
10 attempts to relitigate, pro se, either:

11 (A) the validity of the determination against the
12 same defendant as to whom the litigation was finally determined; or

13 (B) the cause of action, claim, controversy, or
14 any of the issues of fact or law determined or concluded by the
15 final determination against the same defendant as to whom the
16 litigation was finally determined; or

17 (3) the plaintiff has previously been declared to be a
18 vexatious litigant by a state or federal court in an action or
19 proceeding based on the same or substantially similar facts,
20 transition, or occurrence.

21 SECTION 5. Sections 11.055(a) and (c), Civil Practice and
22 Remedies Code, are amended to read as follows:

23 (a) A court shall order the plaintiff to furnish security
24 for the benefit of a the moving defendant if the court, after
25 hearing the evidence on the defendant's motion, determines that the
26 plaintiff is a vexatious litigant.

27 (c) The court shall provide that the security is an

1 undertaking by the plaintiff to assure payment to a [~~the~~] moving
2 defendant of the moving defendant's reasonable expenses incurred in
3 or in connection with a litigation commenced, caused to be
4 commenced, maintained, or caused to be maintained by the plaintiff,
5 including costs and attorney's fees.

6 SECTION 6. Section 11.057, Civil Practice and Remedies
7 Code, is amended to read as follows:

8 Sec. 11.057. DISMISSAL ON THE MERITS. If the litigation is
9 dismissed on its merits, a [~~the~~] moving defendant has recourse to
10 the security furnished by the plaintiff in an amount determined by
11 the court.

12 SECTION 7. The changes in law made by this Act apply only to
13 an action commencing on or after or pending on the effective date of
14 this Act.

15 SECTION 8. This Act takes effect September 1, 2025.