

By: _____ .B. No. _____

Substitute the following for .B. No. _____:

By: _____ C.S. .B. No. _____

A BILL TO BE ENTITLED

1 AN ACT

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

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

6 SECTION 1. Section 51.014, Civil Practice and Remedies
7 Code, is amended by amending Subsection (b) and adding Subsections
8 (c-1) and (c-2) to read as follows:

9 (b) An interlocutory appeal under Subsection (a), other
10 than an appeal under Subsection (a)(4) or in a suit brought under
11 the Family Code, stays the commencement of a trial in the trial
12 court pending resolution of the appeal. An interlocutory appeal
13 under Subsection (a)(3), (5), or (8) [~~, or (12)~~] also stays all other
14 proceedings in the trial court pending resolution of that appeal.
15 An interlocutory appeal under Subsection (a)(12) stays
16 commencement of a trial and other proceedings in the trial court as
17 provided by Subsection (c-1).

18 (c-1) A denial of a motion to dismiss described by
19 Subsection (a)(12):

20 (1) is not subject to the stay under Subsection (b) if
21 the order denying the motion states that the motion was determined
22 to be frivolous or solely intended to delay under Section
23 27.009(b);

24 (2) stays commencement of a trial and other

1 proceedings in the trial court until the 46th day after the date the
2 order denying the motion is signed if the order denying the motion
3 states the motion was denied:

4 (A) as not timely filed under Section 27.003(b);
5 or

6 (B) because the action is exempt under Section
7 27.010(a); or

8 (3) stays commencement of a trial and other
9 proceedings in the trial court pending resolution of the appeal if
10 the motion was denied for a reason not described by Subdivision (1)
11 or (2) or the order does not state a reason for denying the motion.

12 (c-2) For a denial of a motion to dismiss to which
13 Subsection (c-1)(2) applies, the court of appeals in which the
14 appeal from the order denying the motion to dismiss is filed may
15 stay commencement of trial and other proceedings in the trial court
16 on a determination that the appellant is likely to succeed on the
17 merits or in the interest of justice.

18 SECTION 2. The change in law made by this Act applies only
19 to an action filed on or after the effective date of this Act. An
20 action filed before the effective date of this Act is governed by
21 the law applicable to the action immediately before the effective
22 date of this Act, and that law is continued in effect for that
23 purpose.

24 SECTION 3. This Act takes effect September 1, 2023.