

89R3192 MZM-F

By: Hughes

S.B. No. 336

A BILL TO BE ENTITLED

AN ACT

relating to the 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 amending Subsection (b) and adding Subsections (c-1) and (c-2) to read as follows:

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

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

(1) stays commencement of a trial and other proceedings in the trial court until the 61st day after the date the order denying the motion is signed if the order denying the motion states the motion was:

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

(B) denied because the action is exempt under a specified subdivision of Section 27.010(a); or

(C) determined to be frivolous or solely intended to delay under Section 27.009(b), except as provided in Paragraph (c-2); or

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

(c-2) The limitation provided in Subsection (c-1)(1) does not apply if:

(1) the defendant filing the motion to dismiss is a member of the electronic or print media, acting in such capacity, or a person whose communication appears in or is published by the electronic or print media, arising under the free speech or free press clause of the First Amendment to the United States Constitution, or Article I, Section 8, of the Texas Constitution;

(2) the trial court's order finds that the defendant's motion to dismiss was frivolous or solely intended to delay under Section 27.009(b); and

(3) the trial court's order does not find that the defendant's motion to dismiss was untimely under Section 27.003(b) or exempt under a specified subdivision of Section 27.010(a).

(c-3) For a denial of a motion to dismiss to which Subsection (c-1)(1) applies, the court of appeals in which the appeal from the order denying the motion to dismiss is filed may stay commencement of trial and other proceedings in the trial court in on a determination that the appellant is likely to succeed on the merits or in the interest of justice.

(c-4) Nothing in this section impedes an appellee's right to seek relief from a stay imposed under Subsection (b) in an appellate court having jurisdiction.

SECTION 2. The change in law made by this Act applies only to the denial of a motion to dismiss ordered on or after the effective date of this Act. A denial of a motion to dismiss ordered before the effective date of this Act is governed by the law applicable to the denial immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as

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provided by Section 39, Article III, Texas Constitution. If this
Act does not receive the vote necessary for immediate effect, this
Act takes effect September 1, 2025.