

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 3129
By: Guerra (Hughes)
Jurisprudence
5/18/2023
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Section 51.014(a), Civil Practice and Remedies Code, amends the section providing grounds for appeal from an interlocutory order. This section was amended three times during the 87th Legislative Session, causing Subsection (a) to acquire three contextually different subdivisions that were all numbered (a)(15). This has resulted in confusion as lawyers who have filed appeals under Section 51.014 could not clearly indicate which one of the three (a)(15) provisions they were using. H.B. 3129 seeks to provide clarity through a nonsubstantive redesignation of those provisions.

(Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 3129 amends current law relating to redesignation of certain provisions describing court orders eligible for an interlocutory appeal and a stay of proceedings pending certain interlocutory appeals.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Reenacts Section 51.014(a), Civil Practice and Remedies Code, as amended by Chapters 167 (S.B. 232), 528 (S.B. 6), and 813 (H.B. 2086), Acts of the 87th Legislature, Regular Session, 2021, and amends it, to make nonsubstantive changes.

SECTION 2. Amends Section 51.014, Civil Practice and Remedies Code, by amending Subsection (b) and adding Subsections (c-1) and (c-2), as follows:

(b) Provides that an interlocutory appeal under Subsection (a)(12) (relating to authorizing a person to appeal from an interlocutory order of a court that denies a motion to dismiss filed under Section 27.003 (Motion to Dismiss)) stays commencement of a trial and other proceedings in the trial court as provided by Subsection (c-1). Makes a nonsubstantive change.

(c-1) Provides that 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) (relating to requiring that a motion to dismiss a legal action under this section be filed not later than the 60th day after the date of service of the legal action);

(B) denied because the action is exempt under a specified subdivision of Section 27.010(a) (relating to providing that Chapter 27 (Actions

Involving the Exercise of Certain Constitutional Rights) does not apply to certain actions under certain circumstances); or

(C) determined to be frivolous or solely intended to delay under Section 27.009(b) (relating to authorizing the court to award court costs and reasonable attorney's fees to the responding party if the court finds that a motion to dismiss filed under this chapter is frivolous or solely intended to delay); 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) Authorizes the court of appeals in which the appeal from the order denying the motion to dismiss is filed, for a denial of a motion to dismiss to which Subsection (c-1)(1) applies, to stay commencement of the trial and other proceedings in the trial court on a determination that the appellant is likely to succeed on the merits or in the interest of justice.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2023.