

## **BILL ANALYSIS**

Senate Research Center  
88R4433 MZM-F

S.B. 896  
By: Hughes  
State Affairs  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Under Texas Citizen Participation Act, defendants may file motions to dismiss where the pending lawsuit involves the defendant's exercise of certain protected First Amendment rights to freedoms of speech, association or petition related to government proceedings or matters of public concern. Once a motion to dismiss is filed in these scenarios, all discovery and pre-trial proceedings are paused until the judge rules on the motion, or if applicable, a ruling on the interlocutory appeal. Unfortunately, this mechanism that was originally intended to protect the public, is now being abused to stop legitimate legal claims and to delay proceedings. Therefore, to curb litigation abuse while still protecting defendants' constitutional rights, S.B. 896 prohibits the stay of pretrial proceedings on interlocutory appeal where the lower court's finding was because the motion to dismiss was not timely filed; was frivolous or filed solely to delay proceedings; or the lawsuit involved falls within one of the categories expressly exempted from the Citizen Participation Act.

As proposed, S.B. 896 amends current law relating to the automatic 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.

### **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. Amends Section 51.014, Civil Practice and Remedies Code, by adding Subsection (c-1), as follows:

(c-1) Provides that a denial of a motion to dismiss described by Subsection (a)(12) (relating to authorizing a person to appeal from an interlocutory order of certain courts that deny a motion to dismiss) is not subject to the automatic stay under Subsection (b) (relating to the automatic stay for the commencement of a trial pending interlocutory appeal) if the order denying the motion states that the motion was:

(1) denied as not timely filed under Section 27.003(b) (relating to the deadline for filing a motion to dismiss certain legal actions);

(2) determined to be frivolous or solely intended to delay under Section 27.009(b) (relating to authorizing a court to award sanctions if the court orders the dismissal of certain legal actions); or

(3) denied because the action is exempt under Section 27.010(a) (relating to certain legal actions that do not involve the exercise of certain constitutional rights).

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2023.