

By: Lucio III

H.B. No. 1808

A BILL TO BE ENTITLED

AN ACT

relating to an award of attorney's fees for certain dismissed claims joined to an action under the Family Code.

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

SECTION 1. Section 30.021, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 30.021. AWARD OF ATTORNEY'S FEES IN RELATION TO CERTAIN MOTIONS TO DISMISS. (a) In a civil proceeding, on a trial court's granting or denial, in whole or in part, of a motion to dismiss filed under the rules adopted by the supreme court under Section 22.004(g), Government Code, the court shall award costs and reasonable and necessary attorney's fees to the prevailing party. This section does not apply to actions by or against the state, other governmental entities, or public officials acting in their official capacity or under color of law.

(b) Subsection (a) applies to the dismissal of a tort claim joined to an action under the Family Code.

SECTION 2. Section 22.004(g), Government Code, is amended to read as follows:

(g) The supreme court shall adopt rules to provide for the dismissal of causes of action that have no basis in law or fact on motion and without evidence. The rules shall provide that the motion to dismiss shall be granted or denied within 45 days of the filing of the motion to dismiss. Except as provided by Section

1 30.021, Civil Practice and Remedies Code, the [~~The~~] rules shall not
2 apply to actions under the Family Code.

3 SECTION 3. The change in law made by this Act applies only
4 to an action commencing on or after the effective date of this Act.
5 An action commencing before the effective date of this Act is
6 governed by the law as it existed on the date the action commenced,
7 and that law is continued in effect for that purpose.

8 SECTION 4. This Act takes effect September 1, 2013.