

By: Hunter

H.B. No. 2935

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the interlocutory appeal of a denial of a motion to
3 dismiss in an action involving the exercise of certain
4 constitutional rights.

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

6 SECTION 1. Sections 51.014(a) and (b), Civil Practice and
7 Remedies Code, are amended to read as follows:

8 (a) A person may appeal from an interlocutory order of a
9 district court, county court at law, or county court that:

- 10 (1) appoints a receiver or trustee;
- 11 (2) overrules a motion to vacate an order that
12 appoints a receiver or trustee;
- 13 (3) certifies or refuses to certify a class in a suit
14 brought under Rule 42 of the Texas Rules of Civil Procedure;
- 15 (4) grants or refuses a temporary injunction or grants
16 or overrules a motion to dissolve a temporary injunction as
17 provided by Chapter 65;
- 18 (5) denies a motion for summary judgment that is based
19 on an assertion of immunity by an individual who is an officer or
20 employee of the state or a political subdivision of the state;
- 21 (6) denies a motion for summary judgment that is based
22 in whole or in part upon a claim against or defense by a member of
23 the electronic or print media, acting in such capacity, or a person
24 whose communication appears in or is published by the electronic or

1 print media, arising under the free speech or free press clause of
2 the First Amendment to the United States Constitution, or Article
3 I, Section 8, of the Texas Constitution, or Chapter 73;

4 (7) grants or denies the special appearance of a
5 defendant under Rule 120a, Texas Rules of Civil Procedure, except
6 in a suit brought under the Family Code;

7 (8) grants or denies a plea to the jurisdiction by a
8 governmental unit as that term is defined in Section 101.001;

9 (9) denies all or part of the relief sought by a motion
10 under Section 74.351(b), except that an appeal may not be taken from
11 an order granting an extension under Section 74.351;

12 (10) grants relief sought by a motion under Section
13 74.351(1); ~~or~~

14 (11) denies a motion to dismiss filed under Section
15 90.007; or

16 (12) denies a motion to dismiss filed under Section
17 27.003.

18 (b) An interlocutory appeal under Subsection (a), other
19 than an appeal under Subsection (a)(4), stays the commencement of a
20 trial in the trial court pending resolution of the appeal. An
21 interlocutory appeal under Subsection (a)(3), (5), ~~or~~ (8), or
22 (12) also stays all other proceedings in the trial court pending
23 resolution of that appeal.

24 SECTION 2. The change in law made by this Act applies to a
25 denial of a motion to dismiss made on or after the effective date of
26 this Act. A denial of a motion to dismiss made before the effective
27 date of this Act is governed by the law in effect immediately before

1 the effective date of this Act, and that law is continued in effect
2 for that purpose.

3 SECTION 3. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2013.