

## **BILL ANALYSIS**

Senate Research Center  
77R4599 DAK-D

H.B. 1315  
By: Hopson (Staples)  
Jurisprudence  
5/10/2001  
Engrossed

### **DIGEST AND PURPOSE**

Current law authorizes a state court, in determining whether to dismiss a claim by an inmate for being frivolous or malicious, to consider whether a claim arises from the same operative facts as a previous claim filed by the inmate. The law does not, however, specifically authorize a state court to consider that the substance of a claim has been previously filed and dismissed in federal court. Inmates whose lawsuits are dismissed in federal court sometimes file lawsuits in state court arising from the same operative facts. H.B. 1315 allows a court to consider that the substance of a claim has been filed in and dismissed by a federal court when determining whether an inmate's claim is frivolous or malicious.

### **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 14.003(b), Civil Practice and Remedies Code, to authorize the court, in determining whether a claim is frivolous or malicious, to consider that the substance of the claim has been filed in and dismissed by a federal court. Makes a conforming change.

SECTION 2. Effective date: September 1, 2001.  
Makes application of this Act prospective.