

## **BILL ANALYSIS**

Senate Research Center

H.B. 978  
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Jurisprudence  
5/3/2001  
Engrossed

### **DIGEST AND PURPOSE**

Currently, interlocutory orders are able to be reviewed on appeal only under certain circumstances. An appealable interlocutory order automatically stays the commencement of a trial pending resolution of the appeal. H.B. 978 provides that, under certain circumstances, the commencement of a trial is not stayed pending the resolution of certain appeals of interlocutory orders relating to temporary injunctions and motions for summary judgment in free speech cases.

### **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, to provide that a denial of a motion for summary judgment, special appearance, or plea to the jurisdiction described by this section is not subject to the automatic stay of the commencement of trial under this section unless the motion, special appearance, or plea to the jurisdiction is filed and requested for submission or hearing before the trial court not later than the later of a certain date. Authorizes a district court to issue a written order for interlocutory appeal in a civil action not otherwise appealable under this section under certain circumstances. Provides that an appeal under this section does not stay proceedings in the district court unless the parties agree and the district court, the court of appeals, or a judge of court of appeals orders a stay of the proceedings. Authorizes the appellate court to permit an appeal to be taken from that order. Makes a conforming change.

SECTION 2. Effective date: September 1, 2001.

SECTION 3. Makes application of this Act prospective.