

che 200

CHAPTER 1162

S.B. No. 392

AN ACT

relating to notice to the attorney general of challenges to the constitutionality of Texas statutes.

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

SECTION 1. Section 402.010, Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) In an action in which a party to the litigation files a petition, motion, or other pleading challenging the constitutionality of a statute of this state, the party shall file the form required by Subsection (a-1). The court shall, if the attorney general is not a party to or counsel involved in the litigation, serve notice of the constitutional challenge [~~question~~] and a copy of the petition, motion, or other pleading that raises the challenge on the attorney general either by certified or registered mail or electronically to an e-mail address designated by the attorney general for the purposes of this section[~~. Notice under this section must identify the statute in question, state the basis for the challenge, and specify the petition, motion, or other pleading that raises the challenge~~].

(a-1) The Office of Court Administration of the Texas Judicial System shall adopt the form that a party challenging the constitutionality of a statute of this state must file with the court in which the action is pending indicating which pleading

1 should be served on the attorney general in accordance with this
2 section.

3 SECTION 2. Section 402.010, Government Code, as amended by
4 this Act, applies only to a petition, motion, or other pleading
5 filed in litigation on or after the effective date of this Act. A
6 pleading filed in litigation before the effective date of this Act
7 is governed by the law applicable to the pleading immediately
8 before the effective date of this Act, and that law is continued in
9 effect for that purpose.

10 SECTION 3. This Act takes effect September 1, 2013.

David Newkirk

President of the Senate

Joe Straus

Speaker of the House

I hereby certify that S.B. No. 392 passed the Senate on April 29, 2013, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 25, 2013, by the following vote: Yeas 30, Nays 0.

Daisy Spaw

Secretary of the Senate

I hereby certify that S.B. No. 392 passed the House, with amendment, on May 22, 2013, by the following vote: Yeas 148, Nays 0, two present not voting.

Robert Haney

Chief Clerk of the House

Approved:

14 JUNE '13

Date

RICK PERRY

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

10 PM O'CLOCK

JUN 14 2013

[Signature]
Secretary of State