

By: Middleton

S.B. No. 1794

A BILL TO BE ENTITLED

AN ACT

relating to interlocutory appeal from certain orders by a political subdivision or an officer or employee of a political subdivision.

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

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

(a) Except as provided by Section 51.0145, a [A] person may appeal from an interlocutory order of a district court, county court at law, statutory probate court, or county court that:

(1) appoints a receiver or trustee;

(2) overrules a motion to vacate an order that appoints a receiver or trustee;

(3) certifies or refuses to certify a class in a suit brought under Rule 42 of the Texas Rules of Civil Procedure;

(4) grants or refuses a temporary injunction or grants or overrules a motion to dissolve a temporary injunction as provided by Chapter 65;

(5) denies a motion for summary judgment that is based on an assertion of immunity by an individual who is an officer or employee of the state or a political subdivision of the state;

(6) denies a motion for summary judgment that is based in whole or in part upon a claim against or defense by a member of the electronic or print media, acting in such capacity, or a person 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);

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

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

18 (13) denies a motion for summary judgment filed by an
19 electric utility regarding liability in a suit subject to Section
20 75.0022;

21 (14) denies a motion filed by a municipality with a
22 population of 500,000 or more in an action filed under Section
23 54.012(6) or 214.0012, Local Government Code;

24 (15) makes a preliminary determination on a claim
25 under Section 74.353;

26 (16) overrules an objection filed under Section
27 148.003(d) or denies all or part of the relief sought by a motion

1 under Section 148.003(f); or

2 (17) grants or denies a motion for summary judgment
3 filed by a contractor based on Section 97.002.

4 (b) An interlocutory appeal under Subsection (a), other
5 than an appeal under Subsection (a)(4) or in a suit brought under
6 the Family Code, stays the commencement of a trial in the trial
7 court pending resolution of the appeal. Except as provided by
8 Section 51.0145, an [An] interlocutory appeal under Subsection
9 (a)(3), (5), (8), or (12) also stays all other proceedings in the
10 trial court pending resolution of that appeal.

11 SECTION 2. Subchapter B, Chapter 51, Civil Practice and
12 Remedies Code, is amended by adding Section 51.0145 to read as
13 follows:

14 Sec. 51.0145. PERMISSION REQUIRED FOR CERTAIN
15 INTERLOCUTORY APPEALS. (a) Before an officer or employee of a
16 political subdivision may appeal from an interlocutory order under
17 Section 51.014(a)(5) or a political subdivision may appeal from an
18 interlocutory order under Section 51.014(a)(8), the trial court
19 that issued the order must approve the appeal in accordance with
20 this section.

21 (b) A party seeking an appeal subject to this section must
22 file with the trial court and serve a motion requesting the appeal
23 not later than the 30th day after the date of the order that is the
24 subject of the appeal is entered. An opposing party may file a
25 response to the motion not later than the 14th day after the date
26 the motion is filed.

27 (c) A trial court may authorize an appeal subject to this

1 section only if:

2 (1) the appeal involves a controlling question of law
3 as to which there is a substantial ground for difference of opinion;

4 (2) an immediate appeal from the order that is the
5 subject of the appeal may materially advance the ultimate
6 termination of the action; and

7 (3) the issuance of a stay of proceedings during
8 pendency of the appeal will not materially deprive the non-moving
9 party from exercising a right protected by the Texas Constitution
10 or United States Constitution.

11 (d) The trial court's order authorizing an appeal under this
12 section does not stay proceedings in the trial court unless the
13 order expressly states that the proceedings are stayed.

14 (e) During the pendency of an appeal authorized under this
15 section in which the trial court has expressly stayed the
16 proceedings, a party may move the trial court to modify or dissolve
17 a stay of proceedings due to hardship, a change in circumstances, or
18 any other reason. The trial court shall consider and rule on a
19 motion to modify or dissolve a stay of proceedings not later than
20 the 30th day after the date the motion is filed. The trial court
21 retains jurisdiction over consideration of a stay throughout the
22 appeal.

23 (f) It is the intent of the legislature that interlocutory
24 appeals and stays of proceedings under this section be authorized
25 rarely.

26 SECTION 3. The changes in law made by this Act apply only to
27 an action filed on or after the effective date of this Act.

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1 SECTION 4. This Act takes effect September 1, 2025.