

**C****Effective: June 17, 2011**Vernon's Texas Statutes and Codes Annotated [Currentness](#)Government Code [\(Refs & Annos\)](#)Title 4. Executive Branch [\(Refs & Annos\)](#)Subtitle A. Executive Officers [\(Refs & Annos\)](#)▣ [Chapter 402](#). Attorney General▣ [Subchapter A](#). General Provisions [\(Refs & Annos\)](#)**→→ § 402.010. Legal Challenges to Constitutionality of State Statutes**

- (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 court shall, if the attorney general is not a party to or counsel involved in the litigation, serve notice of the constitutional 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.
- (b) A court may not enter a final judgment holding a statute of this state unconstitutional before the 45th day after the date notice required by Subsection (a) is served on the attorney general.
- (c) A court's failure to file or serve notice as required by Subsection (a) does not deprive the court of jurisdiction or forfeit an otherwise timely filed claim or defense based on the challenge to the constitutionality of a statute of this state.
- (d) This section or the state's intervention in litigation in response to notice under this section does not constitute a waiver of sovereign immunity.

CREDIT(S)

Added by [Acts 2011, 82nd Leg., ch. 808 \(H.B. 2425\), § 1, eff. June 17, 2011](#).

## HISTORICAL AND STATUTORY NOTES

2011 Electronic Pocket Part Update.

2011 Legislation

Section 2 of Acts 2011, 82nd Leg., ch. 808 (H.B. 2425) provides:

“SECTION 2. Section 402.010, Government Code, as added by this Act, applies only to a petition, motion, or other pleading filed in litigation on or after the effective date of this Act. A pleading filed in litigation before the effective

date of this Act is governed by the law applicable to the pleading immediately before the effective date of this Act, and that law is continued in effect for that purpose.”

V. T. C. A., Government Code § 402.010, TX GOVT § 402.010

Current through the end of the 2011 Regular Session and First Called Session of the 82nd Legislature

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