

By: Hinojosa

S.B. No. 484

A BILL TO BE ENTITLED

AN ACT

relating to the right of a member of the state military forces to retain private legal counsel and file a civil action.

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

SECTION 1. Subchapter E, Chapter 437, Government Code, is amended by adding Section 437.2131 to read as follows:

Sec. 437.2131. RIGHT TO CIVIL ACTION AND PRIVATE LEGAL COUNSEL. (a) This section applies to a service member of the Texas military forces who is ordered to state active duty or to state training and other duty by the governor, the adjutant general, or another proper authority under the law of this state and who is entitled under Section 437.213 to the same benefits and protections provided to persons:

(1) performing services in the uniformed services as provided by 38 U.S.C. Sections 4301-4313 and 4316-4319; and

(2) in the military service of the United States as provided by 50 U.S.C. Sections 3901-3959, 3991, and 4011-4026.

(b) A service member described by Subsection (a) may retain private legal counsel and, notwithstanding Subchapter I, file a civil action in a district court in this state if the service member is aggrieved by a violation of or is denied a benefit or protection guaranteed under:

(1) Section 437.204;

(2) 38 U.S.C. Sections 4301-4313 and 4316-4319; or

1 (3) 50 U.S.C. Sections 3901-3959, 3991, and
2 4011-4026.

3 (c) The court may award to a service member who prevails in
4 an action filed under this section:

- 5 (1) any appropriate declaratory or equitable relief;
6 (2) other appropriate relief, including monetary
7 damages; and
8 (3) costs of the action and reasonable attorney's
9 fees.

10 (d) This section does not limit any remedy or relief
11 available to a service member under other law, including:

- 12 (1) a remedy or relief available under Section
13 437.204(b) or Subchapter I; or
14 (2) consequential and punitive damages.

15 SECTION 2. Section 437.2131, Government Code, as added by
16 this Act, applies to a service member of the Texas military forces
17 ordered to state active duty or state training and other duty by the
18 governor, the adjutant general, or another proper authority under
19 the law of this state on or after the effective date of this Act,
20 regardless of whether the date the person was initially ordered to
21 state active duty or state training and other duty was before the
22 effective date of this Act.

23 SECTION 3. This Act takes effect September 1, 2021.