

By: Wohlgemuth

H.B. No. 643

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the amount of exemplary damages that a plaintiff may
3 obtain against a defendant.

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

5 SECTION 1. Section 41.008(c), Civil Practice and Remedies
6 Code, is amended to read as follows:

7 (c) Subsection (b) does not apply to a cause of action
8 against a defendant from whom a plaintiff seeks recovery of
9 exemplary damages based on conduct for which the defendant has been
10 convicted of ~~[described as]~~ a felony in the following sections or
11 chapters of the Penal Code ~~[if, except for Sections 49.07 and 49.08,~~
12 ~~the conduct was committed knowingly or intentionally]~~:

- 13 (1) Section 19.02 (murder);
- 14 (2) Section 19.03 (capital murder);
- 15 (3) Section 20.04 (aggravated kidnapping);
- 16 (4) Section 22.02 (aggravated assault);
- 17 (5) Section 22.011 (sexual assault);
- 18 (6) Section 22.021 (aggravated sexual assault);
- 19 (7) Section 22.04 (injury to a child, elderly
20 individual, or disabled individual);
- 21 (8) Section 32.21 (forgery);
- 22 (9) Section 32.43 (commercial bribery);
- 23 (10) Section 32.45 (misapplication of fiduciary
24 property or property of financial institution);

1 (11) Section 32.46 (securing execution of document by
2 deception);

3 (12) Section 32.47 (fraudulent destruction, removal,
4 or concealment of writing);

5 (13) Chapter 31 (theft) the punishment level for which
6 is a felony of the third degree or higher;

7 (14) Section 49.07 (intoxication assault); or

8 (15) Section 49.08 (intoxication manslaughter).

9 SECTION 2. Section 41.008(d), Civil Practice and Remedies
10 Code, is repealed.

11 SECTION 3. This Act takes effect September 1, 2003, and
12 applies only to a cause of action that accrues on or after that
13 date. An action that accrued before the effective date of this Act
14 is governed by the law applicable to the action immediately before
15 the effective date of this Act, and that law is continued in effect
16 for that purpose.