

By: Riddle

H.B. No. 84

A BILL TO BE ENTITLED

AN ACT

relating to criminal history records searches for volunteers in children's organized sports; imposing civil liability on certain persons and organizations.

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

SECTION 1. Chapter 80, Human Resources Code, is amended by adding Section 80.002 to read as follows:

Sec. 80.002. CRIMINAL HISTORY RECORDS SEARCH FOR VOLUNTEERS IN CHILDREN'S ORGANIZED SPORTS; LIABILITY FOR CONDUCT OF VOLUNTEERS. (a) In this section:

(1) "Children's organized sports" means any athletic activity:

(A) in which persons who are younger than 18 years of age are the primary intended participants; and

(B) that is sponsored, organized, or supervised by an entity one of whose primary purposes or functions is to sponsor, organize, or supervise athletic, civic, or cultural activities for persons who are younger than 18 years of age.

(2) "Criminal history records search" means a search of the criminal convictions database and the sex offender registration database maintained by the Department of Public Safety.

(3) "Volunteer" means a person who, without compensation or expectation of compensation, coaches, officiates,

1 or supervises children engaged in children's organized sports.

2 (b) A person or organization sponsoring, organizing, or
3 supervising children's organized sports shall conduct a criminal
4 history records search with respect to each person volunteering or
5 seeking to volunteer in children's organized sports.

6 (c) A person or organization sponsoring children's
7 organized sports is liable in a civil action for damages for
8 personal injury, death, or property damage that is a result of a
9 volunteer's action or omission if the action or omission:

10 (1) occurs during a children's organized sports
11 activity or in the course and scope of the volunteer's duties; and

12 (2) could have been reasonably foreseen as a result of
13 a criminal history records search conducted under Subsection (b).

14 SECTION 2. Section 84.007, Civil Practice and Remedies
15 Code, is amended by adding Subsection (i) to read as follows:

16 (i) This chapter does not apply to liability created under
17 Section 80.002, Human Resources Code.

18 SECTION 3. The change in law made by this Act applies only
19 to a cause of action that accrues on or after the effective date of
20 this Act. A cause of action that accrues before the effective date
21 of this Act is governed by the law in effect at the time the action
22 accrued, and the former law is preserved for that purpose.

23 SECTION 4. This Act takes effect September 1, 2005.