

AN ACT

relating to indemnification of phlebotomists performing services under contract with the Texas Department of Criminal Justice.

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

SECTION 1. Section 104.001, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 104.001. STATE LIABILITY; PERSONS COVERED. In a cause of action based on conduct described in Section 104.002, the state shall indemnify the following persons, without regard to whether the persons performed their services for compensation, for actual damages, court costs, and attorney's fees adjudged against:

(1) an employee, a member of the governing board, or any other officer of a state agency, institution, or department;

(2) a former employee, former member of the governing board, or any other former officer of a state agency, institution, or department who was an employee or officer when the act or omission on which the damages are based occurred;

(3) a physician or psychiatrist licensed in this state who was performing services under a contract with any state agency, institution, or department or a racing official performing services under a contract with the Texas Racing Commission when the act or omission on which the damages are based occurred;

(3-a) a phlebotomist licensed in this state who was performing services under a contract with the Texas Department of

1 Criminal Justice when the act or omission on which the damages are  
2 based occurred;

3 (4) a chaplain or spiritual advisor who was performing  
4 services under contract with the Texas Department of Criminal  
5 Justice, the Texas Youth Commission, or the Texas Juvenile  
6 Probation Commission when the act or omission on which the damages  
7 are based occurred;

8 (5) a person serving on the governing board of a  
9 foundation, corporation, or association at the request and on  
10 behalf of an institution of higher education, as that term is  
11 defined by Section 61.003(8), Education Code, not including a  
12 public junior college;

13 (6) a state contractor who signed a waste manifest as  
14 required by a state contract; or

15 (7) the estate of a person listed in this section.

16 SECTION 2. The change in law made by this Act applies only  
17 to a cause of action that accrues on or after the effective date of  
18 this Act. A cause of action that accrues before the effective date  
19 of this Act is governed by the law in effect immediately before the  
20 effective date of this Act, and that law is continued in effect for  
21 that purpose.

22 SECTION 3. This Act takes effect immediately if it receives  
23 a vote of two-thirds of all the members elected to each house, as  
24 provided by Section 39, Article III, Texas Constitution. If this  
25 Act does not receive the vote necessary for immediate effect, this  
26 Act takes effect September 1, 2007.

H.B. No. 1194

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1194 was passed by the House on March 22, 2007, by the following vote: Yeas 137, Nays 4, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 1194 was passed by the Senate on May 15, 2007, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor