

By: Vaught

H.B. No. 514

A BILL TO BE ENTITLED

AN ACT

relating to recovery of loss of consortium damages by a parent for injury to a child as a result of certain crimes against the child.

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

SECTION 1. Title 4, Civil Practice and Remedies Code, is amended by adding Chapter 94 to read as follows:

CHAPTER 94. LOSS OF CHILD CONSORTIUM

Sec. 94.001. DEFINITIONS. In this chapter:

(1) "Child" means a person under 18 years of age.

(2) "Parent" means a person standing in parental relation.

Sec. 94.002. CAUSE OF ACTION. A person is liable to the parent of a child for loss of consortium damages if a court of this state has found the person liable to the child for injury resulting from conduct described by one of the following sections of the Penal Code:

(1) Section 20.03 (kidnapping);

(2) Section 20.04 (aggravated kidnapping);

(3) Section 21.02 (continuous sexual abuse of young child);

(4) Section 22.01 (assault);

(5) Section 22.011 (sexual assault);

(6) Section 22.02 (aggravated assault);

(7) Section 22.021 (aggravated sexual assault); or

1 (8) Section 22.04 (injury to a child).

2 SECTION 2. Chapter 94, Civil Practice and Remedies Code, as
3 added by this Act, applies only to a cause of action that accrues on
4 or after the effective date of this Act. An action that accrued
5 before the effective date of this Act is governed by the law in
6 effect immediately before the effective date of this Act, and that
7 law is continued in effect for that purpose.

8 SECTION 3. This Act takes effect September 1, 2009.