

A BILL TO BE ENTITLED

AN ACT

relating to civil liability for the trafficking of persons.

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 98 to read as follows:

CHAPTER 98. LIABILITY FOR TRAFFICKING OF PERSONS

Sec. 98.001. DEFINITION. In this chapter, "trafficking of persons" means conduct that constitutes an offense under Chapter 20A, Penal Code.

Sec. 98.002. LIABILITY. (a) A defendant who engages in the trafficking of persons, including knowingly trafficking another person, or intentionally or knowingly benefitting from participating in a venture that traffics another person, is liable to the person trafficked, as provided by this chapter, for damages arising from the trafficking of that person by the defendant or venture.

(b) It is not a defense to liability under this chapter that a defendant has been acquitted or has not been prosecuted or convicted under Chapter 20A, Penal Code, or has been convicted of a different offense or of a different type or class of offense, for the conduct that is alleged to give rise to liability under this chapter.

Sec. 98.003. DAMAGES. (a) A plaintiff who prevails in a suit under this chapter may recover actual damages, including

1 damages for mental anguish even if an injury other than mental
2 anguish is not shown.

3 (b) In addition to an award under Subsection (a), a
4 plaintiff who prevails in a suit under this chapter may recover
5 exemplary damages and reasonable attorney's fees.

6 SECTION 2. Chapter 98, Civil Practice and Remedies Code, as
7 added by this Act, applies only to a cause of action that accrues on
8 or after the effective date of this Act. A cause of action that
9 accrues before the effective date of this Act is governed by the law
10 in effect immediately before that date, and that law is continued in
11 effect for that purpose.

12 SECTION 3. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2009.