

1-1 By: Anchia, et al. (Senate Sponsor - Van de Putte) H.B. No. 533
1-2 (In the Senate - Received from the House April 27, 2009;
1-3 May 1, 2009, read first time and referred to Committee on State
1-4 Affairs; May 19, 2009, reported favorably by the following vote:
1-5 Yeas 7, Nays 0; May 19, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to civil liability for the trafficking of persons.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Title 4, Civil Practice and Remedies Code, is
1-11 amended by adding Chapter 98 to read as follows:

1-12 CHAPTER 98. LIABILITY FOR TRAFFICKING OF PERSONS

1-13 Sec. 98.001. DEFINITION. In this chapter, "trafficking of
1-14 persons" means conduct that constitutes an offense under Chapter
1-15 20A, Penal Code.

1-16 Sec. 98.002. LIABILITY. (a) A defendant who engages in the
1-17 trafficking of persons or who intentionally or knowingly benefits
1-18 from participating in a venture that traffics another person is
1-19 liable to the person trafficked, as provided by this chapter, for
1-20 damages arising from the trafficking of that person by the
1-21 defendant or venture.

1-22 (b) It is not a defense to liability under this chapter that
1-23 a defendant has been acquitted or has not been prosecuted or
1-24 convicted under Chapter 20A, Penal Code, or has been convicted of a
1-25 different offense or of a different type or class of offense, for
1-26 the conduct that is alleged to give rise to liability under this
1-27 chapter.

1-28 Sec. 98.003. DAMAGES. (a) A claimant who prevails in a
1-29 suit under this chapter shall be awarded:

1-30 (1) actual damages, including damages for mental
1-31 anguish even if an injury other than mental anguish is not shown;

1-32 (2) court costs; and

1-33 (3) reasonable attorney's fees.

1-34 (b) In addition to an award under Subsection (a), a claimant
1-35 who prevails in a suit under this chapter may recover exemplary
1-36 damages.

1-37 Sec. 98.004. CAUSE OF ACTION CUMULATIVE. The cause of
1-38 action created by this chapter is cumulative of any other remedy
1-39 provided by common law or statute.

1-40 Sec. 98.005. JOINT AND SEVERAL LIABILITY. A person who
1-41 engages in the trafficking of persons or who intentionally or
1-42 knowingly benefits from participating in a venture that traffics
1-43 another person and is found liable under this chapter or other law
1-44 for any amount of damages arising from the trafficking is jointly
1-45 liable with any other defendant for the entire amount of damages
1-46 arising from the trafficking.

1-47 Sec. 98.006. LIBERAL CONSTRUCTION AND APPLICATION. This
1-48 chapter shall be liberally construed and applied to promote its
1-49 underlying purpose to protect persons from human trafficking and
1-50 provide adequate remedies to victims of human trafficking.

1-51 SECTION 2. Section 41.008(c), Civil Practice and Remedies
1-52 Code, is amended to read as follows:

1-53 (c) This section does not apply to a cause of action against
1-54 a defendant from whom a plaintiff seeks recovery of exemplary
1-55 damages based on conduct described as a felony in the following
1-56 sections of the Penal Code if, except for Sections 49.07 and 49.08,
1-57 the conduct was committed knowingly or intentionally:

1-58 (1) Section 19.02 (murder);

1-59 (2) Section 19.03 (capital murder);

1-60 (3) Section 20.04 (aggravated kidnapping);

1-61 (4) Section 22.02 (aggravated assault);

1-62 (5) Section 22.011 (sexual assault);

1-63 (6) Section 22.021 (aggravated sexual assault);

1-64 (7) Section 22.04 (injury to a child, elderly

- 2-1 individual, or disabled individual, but not if the conduct occurred
2-2 while providing health care as defined by Section 74.001);
2-3 (8) Section 32.21 (forgery);
2-4 (9) Section 32.43 (commercial bribery);
2-5 (10) Section 32.45 (misapplication of fiduciary
2-6 property or property of financial institution);
2-7 (11) Section 32.46 (securing execution of document by
2-8 deception);
2-9 (12) Section 32.47 (fraudulent destruction, removal,
2-10 or concealment of writing);
2-11 (13) Chapter 31 (theft) the punishment level for which
2-12 is a felony of the third degree or higher;
2-13 (14) Section 49.07 (intoxication assault);
2-14 (15) Section 49.08 (intoxication manslaughter); [~~or~~]
2-15 (16) Section 21.02 (continuous sexual abuse of young
2-16 child or children); or
2-17 (17) Chapter 20A (trafficking of persons).

2-18 SECTION 3. The change in law made by this Act applies only
2-19 to a cause of action that accrues on or after the effective date of
2-20 this Act. A cause of action that accrues before the effective date
2-21 of this Act is governed by the law in effect immediately before that
2-22 date, and that law is continued in effect for that purpose.

2-23 SECTION 4. This Act takes effect immediately if it receives
2-24 a vote of two-thirds of all the members elected to each house, as
2-25 provided by Section 39, Article III, Texas Constitution. If this
2-26 Act does not receive the vote necessary for immediate effect, this
2-27 Act takes effect September 1, 2009.

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