

By: Brown of Brazos

H.B. No. 3246

A BILL TO BE ENTITLED

AN ACT

relating to the issuance of a writ of attachment in a civil suit for certain sexual assaults.

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

SECTION 1. Subchapter A, Chapter 61, Civil Practice and Remedies Code, is amended by adding Section 61.0021 to read as follows:

Sec. 61.0021. GROUNDS FOR ATTACHMENT IN SUIT FOR SEXUAL ASSAULT. (a) Notwithstanding any other provision of this code, attachment is available to a plaintiff who:

(1) has general grounds for issuance under Sections 61.001(2) and (3); and

(2) institutes a suit for personal injury arising as a result of conduct that violates:

(A) Section 22.011(a)(2), Penal Code (sexual assault of a child);

(B) Section 22.021(a)(1)(B), Penal Code (aggravated sexual assault of a child);

(C) Section 21.02, Penal Code (continuous sexual abuse of young child or children); or

(D) Section 21.11, Penal Code (indecent with a child).

(b) A court may issue a writ of attachment in a suit described by Subsection (a) in an amount the court determines to be

1 appropriate to provide for the counseling and medical needs of the  
2 plaintiff.

3 SECTION 2. Section 61.022, Civil Practice and Remedies  
4 Code, is amended by amending Subsection (a) and adding Subsection  
5 (a-1) to read as follows:

6 (a) Except as provided by Subsection (a-1), to [~~Te~~] apply  
7 for a writ of attachment, a plaintiff or the plaintiff's [~~his~~] agent  
8 or attorney must file with the court an affidavit that states:

9 (1) general grounds for issuance under Sections  
10 61.001(1), (2), and (3);

11 (2) the amount of the demand; and

12 (3) specific grounds for issuance under Section  
13 61.002.

14 (a-1) To apply for a writ of attachment under Section  
15 61.0021, a plaintiff or the plaintiff's agent or attorney must file  
16 with the court an affidavit that states:

17 (1) general grounds for issuance under Sections  
18 61.001(2) and (3);

19 (2) specific grounds for issuance under Section  
20 61.0021(a); and

21 (3) the amount of the demand based on the estimated  
22 cost of counseling and medical needs of the plaintiff.

23 SECTION 3. The change in law made by this Act applies only  
24 to a cause of action that accrues on or after the effective date of  
25 this Act. A cause of action that accrues before the effective date  
26 of this Act is governed by the law in effect immediately before the  
27 effective date of this Act, and that law is continued in effect for

1 that purpose.

2 SECTION 4. This Act takes effect September 1, 2009.