

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 if a suit has been instituted for personal injury arising as a result of conduct that violates:

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

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

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

(4) 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 appropriate to provide for the counseling and medical needs of the plaintiff.

SECTION 2. Section 61.022, Civil Practice and Remedies

1 Code, is amended by amending Subsection (a) and adding Subsection
2 (a-1) to read as follows:

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

6 (1) general grounds for issuance under Sections
7 61.001(1), (2), and (3);

8 (2) the amount of the demand; and

9 (3) specific grounds for issuance under Section
10 61.002.

11 (a-1) To apply for a writ of attachment under Section
12 61.0021, a plaintiff or the plaintiff's agent or attorney must file
13 with the court an affidavit that states:

14 (1) specific grounds for issuance under Section
15 61.0021(a); and

16 (2) the amount of the demand based on the estimated
17 cost of counseling and medical needs of the plaintiff.

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

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