

1-1 By: Brown of Brazos (Senate Sponsor - Watson) H.B. No. 3246
1-2 (In the Senate - Received from the House April 29, 2009;
1-3 May 6, 2009, read first time and referred to Committee on
1-4 Jurisprudence; May 14, 2009, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; May 14, 2009, sent to printer.)

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

1-8 relating to the issuance of a writ of attachment in a civil suit for
1-9 certain sexual assaults.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subchapter A, Chapter 61, Civil Practice and
1-12 Remedies Code, is amended by adding Section 61.0021 to read as
1-13 follows:

1-14 Sec. 61.0021. GROUNDS FOR ATTACHMENT IN SUIT FOR SEXUAL
1-15 ASSAULT. (a) Notwithstanding any other provision of this code,
1-16 attachment is available to a plaintiff who:

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

1-19 (2) institutes a suit for personal injury arising as a
1-20 result of conduct that violates:

1-21 (A) Section 22.011(a)(2), Penal Code (sexual
1-22 assault of a child);

1-23 (B) Section 22.021(a)(1)(B), Penal Code
1-24 (aggravated sexual assault of a child);

1-25 (C) Section 21.02, Penal Code (continuous sexual
1-26 abuse of young child or children); or

1-27 (D) Section 21.11, Penal Code (indecent with a
1-28 child).

1-29 (b) A court may issue a writ of attachment in a suit
1-30 described by Subsection (a) in an amount the court determines to be
1-31 appropriate to provide for the counseling and medical needs of the
1-32 plaintiff.

1-33 SECTION 2. Section 61.022, Civil Practice and Remedies
1-34 Code, is amended by amending Subsection (a) and adding Subsection
1-35 (a-1) to read as follows:

1-36 (a) Except as provided by Subsection (a-1), to [To] apply
1-37 for a writ of attachment, a plaintiff or the plaintiff's [his] agent
1-38 or attorney must file with the court an affidavit that states:

1-39 (1) general grounds for issuance under Sections
1-40 61.001(1), (2), and (3);

1-41 (2) the amount of the demand; and

1-42 (3) specific grounds for issuance under Section
1-43 61.002.

1-44 (a-1) To apply for a writ of attachment under Section
1-45 61.0021, a plaintiff or the plaintiff's agent or attorney must file
1-46 with the court an affidavit that states:

1-47 (1) general grounds for issuance under Sections
1-48 61.001(2) and (3);

1-49 (2) specific grounds for issuance under Section
1-50 61.0021(a); and

1-51 (3) the amount of the demand based on the estimated
1-52 cost of counseling and medical needs of the plaintiff.

1-53 SECTION 3. The change in law made by this Act applies only
1-54 to a cause of action that accrues on or after the effective date of
1-55 this Act. A cause of action that accrues before the effective date
1-56 of this Act is governed by the law in effect immediately before the
1-57 effective date of this Act, and that law is continued in effect for
1-58 that purpose.

1-59 SECTION 4. This Act takes effect September 1, 2009.

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