

By: Duncan

S.B. No. 1651

Substitute the following for S.B. No. 1651:

By: Woolley

C.S.S.B. No. 1651

A BILL TO BE ENTITLED

AN ACT

relating to state indemnification of certain judges and certain
judicial appointees.

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

SECTION 1. Section 104.001, Civil Practice and Remedies
Code, is amended to read as follows:

Sec. 104.001. STATE LIABILITY; PERSONS COVERED. In a cause
of action based on conduct described in Section 104.002, the state
shall indemnify the following persons, without regard to whether
the persons performed their services for compensation, for actual
damages, court costs, and attorney's fees adjudged against:

(1) an employee, a member of the governing board, or
any other officer of a state agency, institution, or department;

(2) a former employee, former member of the governing
board, or any other former officer of a state agency, institution,
or department who was an employee or officer when the act or
omission on which the damages are based occurred;

(3) a physician or psychiatrist licensed in this state
who was performing services under a contract with any state agency,
institution, or department or a racing official performing services
under a contract with the Texas Racing Commission when the act or
omission on which the damages are based occurred;

(3-a) a phlebotomist licensed in this state who was
performing services under a contract with the Texas Department of

1 Criminal Justice when the act or omission on which the damages are
2 based occurred;

3 (4) a chaplain or spiritual advisor who was performing
4 services under contract with the Texas Department of Criminal
5 Justice, the Texas Youth Commission, or the Texas Juvenile
6 Probation Commission when the act or omission on which the damages
7 are based occurred;

8 (5) a person serving on the governing board of a
9 foundation, corporation, or association at the request and on
10 behalf of an institution of higher education, as that term is
11 defined by Section 61.003(8), Education Code, not including a
12 public junior college;

13 (6) a state contractor who signed a waste manifest as
14 required by a state contract; [~~or~~]

15 (7) a district judge, a presiding judge of an
16 administrative region, or an active, retired, or former judge
17 assigned under Chapter 74, Government Code, in any action or suit in
18 any court in which the judge is a defendant because of the judge's
19 office;

20 (8) an appointee of the supreme court to a judicial
21 branch board, commission, or task force or a former appointee to the
22 board, commission, or task force, if the former appointee was
23 serving at the time of an alleged act or omission; or

24 (9) the estate of a person listed in this section.

25 SECTION 2. The change in law made by this Act providing
26 indemnification to certain individuals applies only to a cause of
27 action that accrues on or after the effective date of this Act. A

1 cause of action that accrues before the effective date of this Act
2 is governed by the law as it existed immediately before that date,
3 and that law is continued in effect for that purpose.

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