

By: Watson

S.B. No. 1931

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the statute of limitations in a civil suit for certain  
3 sexual assaults.

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

5 SECTION 1. Section 16.0045, Civil Practice and Remedies  
6 Code, is amended to read as follows:

7 Sec. 16.0045. [~~FIVE-YEAR~~] LIMITATIONS PERIOD FOR CERTAIN  
8 SEXUAL ASSAULTS. (a) A person may [~~must~~] bring suit for personal  
9 injury at any time [~~not later than five years after the day the~~  
10 ~~cause of action accrues~~] if the injury arises as a result of conduct  
11 that violates:

12 (1) Section 22.011(a)(2) [~~22.011~~], Penal Code (sexual  
13 assault of a child);

14 (2) Section 22.021(a)(1)(B) [~~22.021~~], Penal Code  
15 (aggravated sexual assault of a child); [~~or~~]

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

18 (4) Section 21.11, Penal Code (indecenty with a  
19 child).

20 (b) A person must bring suit for personal injury not later  
21 than 10 years after the day the cause of action accrues if the  
22 injury arises as a result of conduct that violates:

23 (1) Section 22.011(a)(1), Penal Code (sexual  
24 assault); or

1           (2) Section 22.021(a)(1)(A), Penal Code (aggravated  
2 sexual assault).

3           (c) In an action for injury resulting in death arising as a  
4 result of conduct described by Subsection (a) or (b), the cause of  
5 action accrues on the death of the injured person.

6           (d) A [~~(c)~~ ~~The~~] limitations period under this section is  
7 tolled for a suit on the filing of a petition by any person in an  
8 appropriate court alleging that the identity of the defendant in  
9 the suit is unknown and designating the unknown defendant as "John  
10 or Jane Doe." The person filing the petition shall proceed with due  
11 diligence to discover the identity of the defendant and amend the  
12 petition by substituting the real name of the defendant for "John or  
13 Jane Doe" not later than the 30th day after the date that the  
14 defendant is identified to the plaintiff. The limitations period  
15 begins running again on the date that the petition is amended.

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

22           SECTION 3. This Act takes effect September 1, 2009.