

By: Wentworth

S.B. No. 2138

A BILL TO BE ENTITLED

AN ACT

relating to civil liability for domestic violence.

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

SECTION 1. Title 4, Civil Practice and Remedies Code, is amended by adding Chapter 100H to read as follows:

CHAPTER 100H. LIABILITY FOR DOMESTIC VIOLENCE

Sec. 100H.001. LIABILITY. A defendant is liable, as provided by this chapter, to a claimant for damages arising from conduct towards the claimant that is an offense under Section 22.01, Penal Code, and punishable under Section 22.01(b)(2), Penal Code.

Sec. 100H.002. DAMAGES. A claimant who prevails in an action under this section may recover:

(1) the claimant's actual damages, including damages for mental anguish even if an injury other than mental anguish is not shown;

(2) subject to Chapter 41, exemplary damages; and

(3) court costs and reasonable attorney's fees.

Sec. 100H.003. EQUITABLE RELIEF. In an action for damages under this section, the court may award the claimant equitable relief as the court considers proper.

SECTION 2. The change in law made by this Act applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrued before the effective date

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

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