

By: Burnam

H.B. No. 2641

A BILL TO BE ENTITLED

AN ACT

relating to a civil action for deprivation of rights.

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

SECTION 1. Title 6, Civil Practice and Remedies Code, is amended by adding Chapter 135 to read as follows:

CHAPTER 135. CIVIL ACTION FOR DEPRIVATION OF RIGHTS

Sec. 135.001. CIVIL ACTION. (a) Except as provided by Subsection (b), every person who, under color of any statute, ordinance, regulation, custom, or usage of this state or any political subdivision of this state, subjects, or causes to be subjected, a person in this state to the deprivation of any rights, privileges, or immunities secured by the constitution or laws of this state shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, including exemplary damages and all damages incurred by the injured party as a result of the deprivation.

(b) In any action brought against a judicial officer for an act or omission taken in the officer's judicial capacity, injunctive relief may not be granted unless a declaratory decree is violated or declaratory relief is unavailable.

Sec. 135.002. ATTORNEY'S FEES. A court may award attorney's fees to an injured party who prevails in a civil action under this chapter.

Sec. 135.003. COURT COSTS AND EXPERT FEES. A court may

1 award court costs and expert fees to an injured party who prevails
2 in a civil action under this chapter.

3 SECTION 2. Chapter 135, Civil Practice and Remedies Code,
4 as added by this Act, applies only to a cause of action that accrues
5 on or after the effective date of this Act. An action that accrued
6 before the effective date of this Act is governed by the law
7 applicable to the action immediately before the effective date of
8 this Act, and that law is continued in effect for that purpose.

9 SECTION 3. This Act takes effect September 1, 2011.