

By: Burnam, Turner of Tarrant, et al.

H.B. No. 382

A BILL TO BE ENTITLED

1 AN ACT
2 relating to certain limitations on settlement agreements with a
3 governmental unit.

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

5 SECTION 1. Title 5, Civil Practice and Remedies Code, is
6 amended by adding Chapter 112 to read as follows:

7 CHAPTER 112. LIMITATION ON SETTLEMENT OF CLAIM OR ACTION AGAINST A
8 GOVERNMENTAL UNIT

9 Sec. 112.001. CERTAIN LIMITATIONS ON SETTLEMENT BY A
10 GOVERNMENTAL UNIT. (a) In this chapter, "governmental unit" has
11 the meaning assigned by Section 101.001.

12 (b) The attorney general or another attorney representing a
13 governmental unit may not enter into a settlement of a claim or
14 action against the governmental unit in which the amount of the
15 settlement is greater than or equal to \$30,000 and a condition of
16 the settlement requires a party seeking affirmative relief against
17 the governmental unit to agree not to disclose any fact,
18 allegation, evidence, or other matter to any other person,
19 including a journalist or other member of the media. A
20 nondisclosure provision in violation of this chapter is void and
21 unenforceable. A governmental unit may not disclose the personal
22 information of the party seeking affirmative relief unless the
23 party agrees to the disclosure.

24 (c) This chapter does not affect information that is

1 privileged or confidential under other law.

2 SECTION 2. The change in law made by this Act applies to the
3 settlement of a claim or action with respect to which the cause of
4 action on which the claim or action is based accrues on or after the
5 effective date of this Act. A claim or action with respect to which
6 the cause of action on which the claim or action is based accrues
7 before the effective date of this Act is governed by the law in
8 effect immediately before that date, and that law is continued in
9 effect for that purpose.

10 SECTION 3. This Act takes effect September 1, 2013.