

By: Thompson of Harris

H.B. No. 1102

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the statute of limitations for a suit for personal
3 injury arising from certain offenses constituting sexual abuse of a
4 child.

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

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

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

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

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

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

19 (4) Section 20A.02(a)(7)(A), (B), (C), (D), or (H) or
20 Section 20A.02(a)(8) involving an activity described by Section
21 20A.02(a)(7)(A), (B), (C), (D), or (H) or sexual conduct with a
22 child trafficked in the manner described by Section 20A.02(a)(7)
23 [~~20A.02~~], Penal Code (certain sexual trafficking of a child
24 [~~persons~~]); [~~or~~]

1 (5) Section 43.05(a)(2) [~~43.05~~], Penal Code
2 (compelling prostitution by a child); or

3 (6) Section 21.11, Penal Code (indecent with a
4 child).

5 (b) A person must bring suit for personal injury not later
6 than five years after the day the cause of action accrues if the
7 injury arises as a result of conduct that violates:

8 (1) Section 22.011(a)(1), Penal Code (sexual
9 assault);

10 (2) Section 22.021(a)(1)(A), Penal Code (aggravated
11 sexual assault);

12 (3) Section 20A.02, Penal Code (trafficking of
13 persons), other than conduct described by Subsection (a)(4); or

14 (4) Section 43.05(a)(1), Penal Code (compelling
15 prostitution).

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

19 (d) A [~~(c) — The~~] limitations period under this section is
20 tolled for a suit on the filing of a petition by any person in an
21 appropriate court alleging that the identity of the defendant in
22 the suit is unknown and designating the unknown defendant as "John
23 or Jane Doe." The person filing the petition shall proceed with due
24 diligence to discover the identity of the defendant and amend the
25 petition by substituting the real name of the defendant for "John or
26 Jane Doe" not later than the 30th day after the date that the
27 defendant is identified to the plaintiff. The limitations period

1 begins running again on the date that the petition is amended.

2 SECTION 2. The change in law made by this Act applies only
3 to a cause of action that accrues on or after the effective date of
4 this Act. A cause of action that accrued before the effective date
5 of this Act is governed by the law applicable to the cause of action
6 immediately before the effective date of this Act, and that law is
7 continued in effect for that purpose.

8 SECTION 3. This Act takes effect September 1, 2015.