

Suspending limitations on conference committee
jurisdiction, H.B. No. 189 (Thompson of Harris/Taylor of Collin)

By: Thompson of Harris

H.R. No. 3394

R E S O L U T I O N

1 BE IT RESOLVED by the House of Representatives of the State of
2 Texas, 84th Legislature, Regular Session, 2015, That House Rule 13,
3 Section 9(a), be suspended in part as provided by House Rule 13,
4 Section 9(f), to enable the conference committee appointed to
5 resolve the differences on House Bill 189 (the statute of
6 limitations for a suit for personal injury arising from certain
7 offenses constituting sexual abuse of a child or for certain sexual
8 assault offenses) to consider and take action on the following
9 matter:

10 House Rule 13, Section 9(a)(4), is suspended to permit the
11 committee to add text on a matter which is not included in either
12 the house or senate version of the bill by adding the following new
13 SECTIONS to the bill:

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

16 Sec. 16.0045. [~~FIVE-YEAR~~] LIMITATIONS PERIOD FOR CLAIMS
17 ARISING FROM CERTAIN OFFENSES. (a) A person must bring suit for
18 personal injury not later than 15 [~~five~~] years after the day the
19 cause of action accrues if the injury arises as a result of conduct
20 that violates:

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

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

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

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

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

11 (6) Section 21.11, Penal Code (indecenty with a
12 child).

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

16 (1) Section 22.011(a)(1), Penal Code (sexual
17 assault);

18 (2) Section 22.021(a)(1)(A), Penal Code (aggravated
19 sexual assault);

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

22 (4) Section 43.05(a)(1), Penal Code (compelling
23 prostitution).

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

27 (d) A [~~(c)~~—The] limitations period under this section is

1 tolled for a suit on the filing of a petition by any person in an
2 appropriate court alleging that the identity of the defendant in
3 the suit is unknown and designating the unknown defendant as "John
4 or Jane Doe." The person filing the petition shall proceed with due
5 diligence to discover the identity of the defendant and amend the
6 petition by substituting the real name of the defendant for "John or
7 Jane Doe" not later than the 30th day after the date that the
8 defendant is identified to the plaintiff. The limitations period
9 begins running again on the date that the petition is amended.

10 SECTION 3. Section [16.0045](#), Civil Practice and Remedies
11 Code, as amended by this Act, applies only to a cause of action that
12 accrues on or after the effective date of this Act. A cause of
13 action that accrued before the effective date of this Act is
14 governed by the law applicable to the cause of action immediately
15 before the effective date of this Act, and that law is continued in
16 effect for that purpose.

17 Explanation: This addition is necessary to change the
18 statute of limitations for a suit for personal injury arising from
19 certain offenses constituting sexual abuse of a child.