

BILL ANALYSIS

Senate Research Center

H.B. 3809
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 3809 empowers survivors of child sex abuse by extending the civil statute of limitations for personal injury lawsuits arising from the abuse.

Child sex abuse is a horrific and widespread problem. According to national statistics, one in four girls and one in six boys will be sexually abused. Further, research indicates that child molesters abuse at least 150 children on average.

Recent high-profile scandals illustrate that serial abusers are often allowed to molest so many children because they are protected by powerful institutions. For example, sports doctor Larry Nassar molested over 300 women and girls over a period of decades despite repeated reports of abuse to Michigan State, USA Gymnastics, the U.S. Olympic Committee, and others, beginning as early as 1997. Much of this abuse occurred at a training facility outside Huntsville, Texas. Similar patterns of child sex abuse have come to light out of Penn State (where Jerry Sandusky sexually abused eight boys over a 15-year period), in competitive swimming, and from countless other organizations.

Criminal statutes address child sex abuse, but the civil justice system is also instrumental in obtaining justice for survivors and deterring future abuse and cover-ups. Unfortunately, Texas' existing statute of limitations for personal injury claims that arise from child sex abuse is 15 years, beginning when the victim turns 18. This is problematic because the average age at which a child abuse victim discloses the abuse is 52. This leaves most victims unable to seek justice in Texas' civil courts.

H.B. 3809 addresses this problem by extending the statute of limitations for personal injury claims that arise from six specific offenses involving child sex abuse. In this way, Texas can bring justice to more survivors and help prevent future tragedies like the Nassar case.

H.B. 3809 amends current law relating to the accrual of and limitations periods for personal injury claims that arise from certain offenses involving child sexual abuse.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 16.0045, Civil Practice and Remedies Code, by amending Subsections (a) and (c) and adding Subsection (a-1), as follows:

(a) Creates an exception as provided by Subsection (a-1) to the requirement that a person bring suit for personal injury not later than 15 years after the day the cause of action accrues if the injury arises as a result of conduct that violates certain specified sections of the Penal Code.

(a-1) Authorizes a person to bring suit for personal injury not later than 30 years after the day the cause of action accrues if:

(1) the injury arises as a result of conduct that violates a section of the Penal Code listed in Subsection (a); and

(2) the person brings the suit solely against an individual or individuals who committed the conduct.

(c) Provides that, in an action described by this section (Limitation Period For Claims Arising From Certain Offenses) for injury resulting in death, rather than providing that in an action for injury resulting in death arising as a result of conduct described by Subsection (a) or (b) (relating to the limitations period for certain sexual assault and trafficking offenses), the cause of action accrues on the death of the injured person. Provides that, in an action described by this section for injury not resulting in death, the cause of action accrues on the last day that the conduct that violates a section of the Penal Code listed in Subsection (a) or (b) occurs.

SECTION 2. (a) Provides that Section 16.0045(a-1), Civil Practice and Remedies Code, as added by this Act, applies to a cause of action that accrues on or after the effective date of this Act or a cause of action that accrued before the effective date of this Act, if the limitations period applicable to the cause of action immediately before the effective date of this Act has not expired before the effective date of this Act.

(b) Makes application of Section 16.0045(c), Civil Practice and Remedies Code, as amended by this Act, prospective.

SECTION 3. Effective date: September 1, 2019.