

By: Neave

H.B. No. 619

A BILL TO BE ENTITLED

AN ACT

relating to damages in certain claims involving sexual assault or sexual harassment.

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

SECTION 1. Section 21.2585, Labor Code, is amended by amending Subsection (d) and adding Subsections (f) and (f-1) to read as follows:

(d) Except as provided by Subsection (f), the ~~[The]~~ sum of the amount of compensatory damages awarded under this section for future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses and the amount of punitive damages awarded under this section may not exceed, for each complainant:

(1) \$50,000 in the case of a respondent that has fewer than 101 employees;

(2) \$100,000 in the case of a respondent that has more than 100 and fewer than 201 employees;

(3) \$200,000 in the case of a respondent that has more than 200 and fewer than 501 employees; and

(4) \$300,000 in the case of a respondent that has more than 500 employees.

(f) Subsection (d) does not apply to an action involving:

(1) sexual assault;

(2) an unlawful employment practice based on sex in

1 violation of this chapter; or

2 (3) retaliation that violates Section 21.055 in
3 connection with an unlawful employment practice based on sex in
4 violation of this chapter.

5 (f-1) For purposes of Subsection (f), "sexual assault"
6 means conduct described by Section 22.011 or 22.021, Penal Code.

7 SECTION 2. Section 41.002, Civil Practice and Remedies
8 Code, is amended by amending Subsection (d) and adding Subsection
9 (d-1) to read as follows:

10 (d) Notwithstanding any provision to the contrary, this
11 chapter does not apply to:

12 (1) Section 15.21, Business & Commerce Code (Texas
13 Free Enterprise and Antitrust Act of 1983);

14 (2) an action brought under the Deceptive Trade
15 Practices-Consumer Protection Act (Subchapter E, Chapter 17,
16 Business & Commerce Code) except as specifically provided in
17 Section 17.50 of that Act;

18 (3) an action brought under Chapter 36, Human
19 Resources Code; ~~or~~

20 (4) an action brought under Chapter 21, Insurance
21 Code; or

22 (5) an action brought under Chapter 21, Labor Code,
23 involving:

24 (A) sexual assault;

25 (B) an unlawful employment practice based on sex
26 in violation of Subchapter B, Chapter 21, Labor Code; or

27 (C) retaliation that violates Section 21.055,

1 Labor Code, in connection with an unlawful employment practice
2 based on sex in violation of Subchapter B, Chapter 21, Labor Code.

3 (d-1) For purposes of Subsection (d), "sexual assault"
4 means conduct described by Section 22.011 or 22.021, Penal Code.

5 SECTION 3. The change in law made by this Act applies only
6 to an action filed on or after the effective date of this Act. An
7 action that is filed before the effective date of this Act is
8 governed by the law applicable to the action immediately before the
9 effective date of this Act, and that law is continued in effect for
10 that purpose.

11 SECTION 4. This Act takes effect September 1, 2019.