

By: Goldman, Meyer, et al.

H.B. No. 3809

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the accrual of and limitations periods for personal
3 injury claims that arise from certain offenses involving child
4 sexual abuse.

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 by amending Subsections (a) and (c) and adding
8 Subsection (a-1) to read as follows:

9 (a) Except as provided by Subsection (a-1), a [A] person
10 must bring suit for personal injury not later than 15 years after
11 the day the cause of action accrues if the injury arises as a result
12 of conduct that violates:

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

15 (2) Section 22.021(a)(1)(B), Penal Code (aggravated
16 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), Penal Code, involving an activity described
21 by Section 20A.02(a)(7)(A), (B), (C), (D), or (H) or sexual conduct
22 with a child trafficked in the manner described by Section
23 20A.02(a)(7), Penal Code (certain sexual trafficking of a child);

24 (5) Section 43.05(a)(2), Penal Code (compelling

1 prostitution by a child); or

2 (6) Section 21.11, Penal Code (indecenty with a
3 child).

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

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

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

10 (c) In an action described by this section for injury
11 resulting in death [~~arising as a result of conduct described by~~
12 ~~Subsection (a) or (b)~~], the cause of action accrues on the death of
13 the injured person. In an action described by this section for
14 injury not resulting in death, the cause of action accrues on the
15 last day that the conduct that violates a section of the Penal Code
16 listed in Subsection (a) or (b) occurs.

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

24 (b) Section 16.0045(c), Civil Practice and Remedies Code,
25 as amended by this Act, applies only to a cause of action that
26 accrues on or after the effective date of this Act. A cause of
27 action that accrues before the effective date of this Act is

1 governed by the law as it existed immediately before the effective
2 date of this Act, and that law is continued in effect for that
3 purpose.

4 SECTION 3. This Act takes effect September 1, 2019.