

By: Neave

H.B. No. 4478

A BILL TO BE ENTITLED

AN ACT

relating to prohibited provisions in a settlement agreement between a government agency and employee regarding a claim or complaint involving sexual assault or certain unlawful conduct based on sex.

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

SECTION 1. Title 3, Labor Code, is amended by adding Chapter 106 to read as follows:

CHAPTER 106. PROHIBITED PROVISIONS IN CERTAIN SETTLEMENT

AGREEMENTS

Sec. 106.001. APPLICABILITY. (a) This chapter applies to a settlement agreement between a government agency and the agency's employee related to a claim filed in a civil action or a complaint filed in an administrative action involving:

(1) sexual assault or aggravated sexual assault; or

(2) an unlawful employment practice based on sex in violation of Subchapter B, Chapter 21, or retaliation that violates Section 21.055 in connection with an unlawful employment practice based on sex in violation of Subchapter B, Chapter 21.

(b) For purposes of Subsection (a), "sexual assault" and "aggravated sexual assault" mean conduct described by Section 22.011 or 22.021, Penal Code, respectively.

Sec. 106.002. PROHIBITED PROVISIONS IN CERTAIN SETTLEMENT AGREEMENTS AND ORDERS. (a) A settlement agreement to which this chapter applies may not contain a provision that prevents the

1 disclosure of factual information related to the claim or complaint
2 unless the provision is requested by the employee.

3 (b) A provision that is prohibited by Subsection (a) in a
4 settlement agreement is void and unenforceable as against public
5 policy.

6 (c) In determining the factual foundation of a cause of
7 action for civil damages in an action involving a claim or complaint
8 described by Section 106.001, a court may consider the pleadings
9 and other papers in the record or any other findings of the court.

10 (d) This section does not prohibit the entry or enforcement
11 of a provision in a settlement agreement that prevents the
12 disclosure of the amount paid to settle the claim or complaint.

13 SECTION 2. The change in law made by this Act applies only
14 to a settlement agreement entered into on or after the effective
15 date of this Act. A settlement agreement entered into before the
16 effective date of this Act is governed by the law applicable to the
17 settlement agreement immediately before the effective date of this
18 Act, and that law is continued in effect for that purpose.

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