

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Goldman, Meyer, et al.

H.B. No. 3809

A BILL TO BE ENTITLED

AN ACT

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

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

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

(a) Except as provided by Subsection (a-1), a ~~[A]~~ person must 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:

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

(2) Section 22.021(a)(1)(B), Penal Code (aggravated sexual assault of a child);

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

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

(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

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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.

ADOPTED

MAY 21 2019

*Leta Spaw*  
Secretary of the Senate

By: Watson  
Substitute the following for \_\_\_\_B. No. \_\_\_\_:  
By: Ben Hefner

H.B. No. 3809

C.S. H.B. No. 3809

A BILL TO BE ENTITLED

AN ACT

relating to the limitations period for personal injury claims that arise from certain offenses involving child sexual abuse.

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

SECTION 1. Section 16.0045(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) A person must bring suit for personal injury not later than 30 [~~15~~] years after the day the cause of action accrues if the injury arises as a result of conduct that violates:

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

(2) Section 22.021(a)(1)(B), Penal Code (aggravated sexual assault of a child);

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

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

(5) Section 43.05(a)(2), Penal Code (compelling prostitution by a child); or

(6) Section 21.11, Penal Code (indecent with a child).

1           SECTION 2. The change in law made by this Act applies to a  
2 cause of action that accrues on or after the effective date of this  
3 Act or a cause of action that accrued before the effective date of  
4 this Act, if the limitations period applicable to the cause of  
5 action immediately before the effective date of this Act has not  
6 expired before the effective date of this Act.

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

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 22, 2019**

**TO:** Honorable Dennis Bonnen, Speaker of the House, House of Representatives

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB3809** by Goldman (Relating to the limitations period for personal injury claims that arise from certain offenses involving child sexual abuse.), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Civil Practice and Remedies Code to extend the statute of limitations for bringing a civil suit for personal injury to 30 years after the date a cause of action accrues in certain criminal sexual offenses against a child.

Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished using existing resources.

The bill would take effect September 1, 2019.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** WP, SD, CMa, SLE, DA

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 17, 2019**

**TO:** Honorable Joan Huffman, Chair, Senate Committee on State Affairs

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB3809** by Goldman (relating to the limitations period for personal injury claims that arise from certain offenses involving child sexual abuse.), **Committee Report 2nd House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Civil Practice and Remedies Code to extend the statute of limitations for bringing a civil suit for personal injury to 30 years after the date a cause of action accrues in certain criminal sexual offenses against a child.

Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished using existing resources.

The bill would take effect September 1, 2019.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** WP, CMa, SLE, DA

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 10, 2019**

**TO:** Honorable Joan Huffman, Chair, Senate Committee on State Affairs

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB3809** by Goldman (Relating to the accrual of and limitations periods for personal injury claims that arise from certain offenses involving child sexual abuse.), **As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Civil Practice and Remedies Code to extend the statute of limitations for bringing a civil suit for personal injury to 30 years after the date a cause of action accrues in certain criminal sexual offenses against a child if an injury arose and a person brings the suit solely against the individual or individuals who committed the conduct. The bill would also provide that cause of action accrues on the last day the conduct occurs in an action where an injury did not result in death. Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished using existing resources.

The bill would take effect September 1, 2019.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** WP, CMa, SLE, DA



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**April 15, 2019**

**TO:** Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB3809** by Goldman (relating to the accrual of and limitations periods for personal injury claims that arise from certain offenses involving child sexual abuse.), **Committee Report 1st House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Civil Practice and Remedies Code to extend the statute of limitations for bringing a civil suit for personal injury to 30 years after the date a cause of action accrues in certain criminal sexual offenses against a child if an injury arose and a person brings the suit solely against the person or persons who committed the conduct. The bill would also provide that cause of action accrues on the last day the conduct occurs in an action where an injury did not result in death. Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished using existing resources.

The bill would take effect September 1, 2019.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** WP, SLE, DA

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**April 6, 2019**

**TO:** Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB3809** by Goldman (Relating to the limitations period for personal injury claims that arise from certain offenses involving child sexual abuse.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Civil Practice and Remedies Code to extend the statute of limitations for bringing a civil suit for personal injury to 30 years after the date a cause of action accrues in certain criminal sexual offenses against a child. Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished using existing resources.

The bill would take effect September 1, 2019.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** WP, SLE, DA