

House Bill 3809
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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 prostitution by a child); or

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

(a-1) A person may 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) In an action described by this section for injury resulting in death [~~arising as a result of conduct described by Subsection (a) or (b)~~], the cause of action accrues on the death of the injured person. In an action described by this

SENATE VERSION (CS)

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).

CONFERENCE

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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) 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) Section 16.0045(c), Civil Practice and Remedies Code, as amended by this Act, applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

No equivalent provision.

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

SENATE VERSION (CS)

SECTION 2. The change in law made 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.

SECTION 3. Same as House version.

CONFERENCE