

By: Thompson of Harris

H.B. No. 614

A BILL TO BE ENTITLED

AN ACT

relating to a cause of action for deprivation of certain rights,
privileges, or immunities under color of law.

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

SECTION 1. Title 6, Civil Practice and Remedies Code, is
amended by adding Chapter 135 to read as follows:

CHAPTER 135. LIABILITY FOR DEPRIVATION OF CERTAIN RIGHTS,
PRIVILEGES, OR IMMUNITIES

Sec. 135.0001. DEFINITION. In this chapter, "public
entity" means:

(1) this state;

(2) a political subdivision of this state, including a
municipality or county;

(3) any other governmental agency whose authority is
derived from the laws or constitution of this state; and

(4) a private entity engaged in state action.

Sec. 135.0002. LIABILITY FOR DEPRIVATION OF RIGHTS,
PRIVILEGES, OR IMMUNITIES UNDER COLOR OF LAW. (a) A person may bring
an action for any appropriate relief, including legal or equitable
relief, against another person, including a public entity, who,
under the color of law, deprived or caused to be deprived the person
bringing the action of a right, privilege, or immunity secured by
the Texas Constitution.

(b) A person must bring an action under this chapter not

1 later than two years after the day the cause of action accrues.

2 Sec. 135.0003. APPLICABILITY OF OTHER LAW; PROHIBITED
3 DEFENSES. (a) Notwithstanding any other law, a statutory immunity
4 or limitation on liability, damages, or attorney's fees does not
5 apply to an action brought under this chapter.

6 (b) Notwithstanding any other law, qualified immunity or a
7 defendant's good faith but erroneous belief in the lawfulness of
8 the defendant's conduct is not a defense to an action brought under
9 this chapter.

10 Sec. 135.0004. ATTORNEY'S FEES AND COSTS. (a) In an action
11 brought under this chapter, a court shall award reasonable
12 attorney's fees and costs to a prevailing plaintiff.

13 (b) In an action brought under this chapter, if a judgment
14 is entered in favor of a defendant, the court may award reasonable
15 attorney's fees and costs to the defendant only for defending
16 claims the court finds frivolous.

17 Sec. 135.0005. INDEMNIFICATION REQUIRED; EXCEPTION. (a)
18 Notwithstanding any other law and except as provided by Subsection
19 (b), a public entity shall indemnify a public employee of the entity
20 for liability incurred by and a judgment imposed against the
21 employee in an action brought under this chapter.

22 (b) A public entity is not required to indemnify a public
23 employee of the entity under Subsection (a) if the employee was
24 convicted of a criminal violation for the conduct that is the basis
25 for the action brought under this chapter.

26 SECTION 2. Chapter 135, Civil Practice and Remedies Code,
27 as added by this Act, applies only to a cause of action that accrues

1 on or after the effective date of this Act.

2 SECTION 3. This Act takes effect September 1, 2021.