

By: A. Johnson of Harris

H.B. No. 2071

A BILL TO BE ENTITLED

AN ACT

relating to elimination of limitations periods for suits for personal injury arising from certain offenses against a child.

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

SECTION 1. Section 16.003(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) Except as provided by Sections 16.010, 16.0031, ~~and~~ 16.0045, and 16.0046, a person must bring suit for trespass for injury to the estate or to the property of another, conversion of personal property, taking or detaining the personal property of another, personal injury, forcible entry and detainer, and forcible detainer not later than two years after the day the cause of action accrues.

SECTION 2. Section 16.0045(c), Civil Practice and Remedies Code, is amended to read as follows:

(c) In an action 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.

SECTION 3. Section 16.0045(a), Civil Practice and Remedies Code, is redesignated as Section 16.0046, Civil Practice and Remedies Code, and amended to read as follows:

Sec. 16.0046. NO LIMITATIONS PERIOD. ~~[(a)]~~ A person may ~~[must]~~ bring a suit for personal injury at any time ~~[not later than 30 years after the day the cause of action accrues]~~ if the injury

1 arises as a result of conduct that violates:

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

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

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

8 (4) Section 20A.02(a)(7)(A), (B), (C), (D), or (H) or
9 Section 20A.02(a)(8), Penal Code, involving an activity described
10 by Section 20A.02(a)(7)(A), (B), (C), (D), or (H) or sexual conduct
11 with a child trafficked in the manner described by Section
12 20A.02(a)(7), Penal Code (certain sexual trafficking of a child);

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

15 (6) Section 21.11, Penal Code (indecenty with a
16 child).

17 SECTION 4. (a) Except as provided by Subsection (b) of this
18 section, the changes in law made by this Act apply to a cause of
19 action that accrues before, on, or after the effective date of this
20 Act, regardless of whether:

21 (1) the limitations period applicable to the cause of
22 action immediately before the effective date of this Act expired
23 before the effective date of this Act; or

24 (2) the cause of action was the subject of a claim for
25 which a limitations period applicable to the cause of action before
26 the effective date of this Act was determinative.

27 (b) The changes in law made by this Act do not affect a

1 judgment in litigation:

2 (1) that became final before the effective date of
3 this Act; and

4 (2) for which the limitations period applicable to the
5 cause of action before the effective date of this Act was not
6 determinative.

7 SECTION 5. This Act takes effect September 1, 2021.