

By: Miles

S.B. No. 350

A BILL TO BE ENTITLED

AN ACT

relating to liability of the Texas Department of Criminal Justice for certain claims.

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

SECTION 1. Subchapter B, Chapter 101, Civil Practice and Remedies Code, is amended by adding Section 101.030 to read as follows:

Sec. 101.030. LIABILITY OF TEXAS DEPARTMENT OF CRIMINAL JUSTICE FOR CERTAIN CLAIMS. (a) In this section:

(1) "Health care provider" has the meaning assigned by Section 74.001.

(2) "Physician" has the meaning assigned by Section 74.001.

(b) The Texas Department of Criminal Justice is liable for personal injury or death proximately caused by a physician's or health care provider's treatment, lack of treatment, or other claimed departure from accepted standards of medical care, health care, safety or professional or administrative services directly related to health care if the physician or health care provider was an employee of the department or performing services under contract with the department when the treatment, lack of treatment, or other departure from the accepted standards occurred.

SECTION 2. Section 101.106, Civil Practice and Remedies Code, is amended by adding Subsection (g) to read as follows:

1 (g) This section does not apply to:

2 (1) a suit or claim against the Texas Department of
3 Criminal Justice under Section 101.030;

4 (2) a suit against an employee of the department that
5 could have been brought against the department under Section
6 101.030; or

7 (3) a judgment obtained against an employee of the
8 department if a suit could have been brought against the department
9 under Section 101.030 regarding the same subject matter as the
10 judgment.

11 SECTION 3. The changes in law made by this Act apply only to
12 a cause of action that accrues on or after the effective date of
13 this Act. A cause of action that accrued before the effective date
14 of this Act is governed by the law applicable to the cause of action
15 immediately before the effective date of this Act, and that law is
16 continued in effect for that purpose.

17 SECTION 4. This Act takes effect September 1, 2021.