

By: Hughes

S.B. No. 1926

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a private civil cause of action against local entities
3 and campus police departments that violate certain laws related to
4 immigration enforcement.

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

6 SECTION 1. Subchapter C, Chapter 752, Government Code, is
7 amended by adding Section 752.058 to read as follows:

8 Sec. 752.058. PRIVATE CIVIL CAUSE OF ACTION. (a) A person
9 injured by the tortious acts or omissions of a person unlawfully
10 present in the United States or the personal representative of a
11 person killed by the tortious acts or omissions of a person
12 unlawfully present in the United States may bring a civil action
13 against a local entity or campus police department and may recover
14 from the local entity or campus police department damages arising
15 from the personal injury or death on proving:

16 (1) the existence of a policy by the local entity or
17 campus police department in violation of Section 752.053; and

18 (2) a failure by the local entity or campus police
19 department to comply with this subchapter that resulted in the
20 unlawfully present person having access to the person injured or
21 killed when the tortious acts or omissions occurred.

22 (b) Sovereign immunity of this state and governmental
23 immunity of a local entity to suit and from liability is waived to
24 the extent of liability created by this section.

1 (c) The claimant has a right to trial by jury in an action
2 brought under this section.

3 (d) The court in an action brought under this section may
4 award reasonable costs and attorney's fees to the prevailing party.

5 SECTION 2. Section 752.058, Government Code, as added by
6 this Act, applies only to a cause of action that accrues on or after
7 the effective date of this Act.

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