

## **BILL ANALYSIS**

H.B. 102  
By: Thompson, Senfronia  
Business & Industry  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Under the Texas Workers' Compensation Act, only a surviving spouse or "heirs of the body" of a deceased employee in a case of wrongful death are eligible to recover exemplary damages through a wrongful death claim. In a June 2020 Texas Supreme Court case, Justice Eva Guzman called upon the legislature to align the Workers' Compensation Act with the Wrongful Death Act. H.B. 102 seeks to fulfill this call by allowing the estate of a deceased employee to bring a cause of action against an employer for wrongful death.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 102 amends the Labor Code to grant the estate of a deceased employee whose death was caused by an intentional act or omission of the employer or by the employer's gross negligence standing to bring an action against the employer for the recovery of exemplary damages.

H.B. 102 applies only to a claim for workers' compensation benefits based on a compensable injury that occurs on or after the bill's effective date.

### **EFFECTIVE DATE**

September 1, 2023.