

## **BILL ANALYSIS**

C.S.H.B. 3977  
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Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

A case arose in which a young female employee was sexually assaulted at work, and due to the assault being filed as a workers' compensation claim by her employer, the employee and her family's civil suit is stalled in court. Therefore, they are prohibited from recovering further damages beyond workers' compensation benefits. Currently, the recovery of workers' compensation benefits is the exclusive remedy of an employee covered by workers' compensation insurance coverage. C.S.H.B. 3977 seeks to address the circumstances that may arise when workers' compensation benefits do not cover the full extent of the injury from sexual assault in the workplace. This bill authorizes an employee who is the victim of sexual assault or aggravated sexual assault to bring a cause of action against an employer if the employee's injuries arose from the employer's gross negligence.

### **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**

C.S.H.B. 3977 amends the Labor Code, with respect to an employer's civil liability under the Texas Workers' Compensation Act, to authorize an employee who is the victim of sexual assault or aggravated sexual assault to bring a cause of action against the employer if the employee's injuries arose from the employer's gross negligence. The bill applies only to a cause of action that accrues on or after the bill's effective date.

### **EFFECTIVE DATE**

September 1, 2023.

### **COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 3977 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute increases the degree of negligence required to authorize an employee's suit against an employer, for the employee's work-related injuries from sexual assault, from negligence, as in the introduced, to gross negligence.