

RESOLUTION ANALYSIS

C.S.H.J.R. 166
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, the Texas Constitution only permits the surviving spouse or heirs of a homicide victim, without regard to any criminal proceeding in relation to the homicide, to recover exemplary damages from any person, corporation, or company that committed the homicide through wilful act, omission, or gross neglect. As such, the constitution does not apply equally to a homicide victim that does not have a spouse or heirs. C.S.H.J.R. 166 seeks to address this issue by allowing the parents of a homicide victim, or the victim's estate, to recover exemplary damages.

CRIMINAL JUSTICE IMPACT

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

ANALYSIS

C.S.H.J.R. 166 proposes an amendment to the Texas Constitution to allow recovery of exemplary damages for a homicide by the deceased person's surviving parents or estate without regard to any criminal proceeding that may or may not be had in relation to the homicide. The resolution does the following:

- replaces the language allowing recovery of such damages by the surviving heirs of the deceased person with language allowing recovery of such damages by the deceased person's surviving children; and
- replaces the language allowing recovery of such damages by the surviving husband or widow of the deceased person with language allowing recovery of such damages by the deceased person's surviving spouse.

ELECTION DATE

The constitutional amendment proposed by this joint resolution will be submitted to the voters at an election to be held November 7, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.J.R. 166 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 resolution.

The substitute replaces a surviving husband, widow, and heirs of a deceased person's body with a deceased person's surviving spouse and children, as the persons who are allowed to recover exemplary damages for a homicide, whereas the introduced did not include that replacement. The substitute includes a provision absent from the introduced allowing recovery of such damages by the deceased person's surviving parents.