By:  Bettencourt S.B. No. 2073

A BILL TO BE ENTITLED

AN ACT

relating to certain suits for personal injury that arise as a result of conduct that violates certain Penal Code provisions concerning sexual offenses against a child but that are filed against certain persons who did not commit the conduct that violated those Penal Code provisions.

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

SECTION 1.  Section 16.0045(a), Civil Practice and Remedies Code, is amended to read as follows:

(a)  Except as provided by Subsection (a-1), a [~~A~~] person must bring suit for personal injury not later than 30 years after the day the cause of action accrues if the injury arises as a result of conduct that violates:

(1)  Section 22.011(a)(2), Penal Code (sexual assault of a child);

(2)  Section 22.021(a)(1)(B), Penal Code (aggravated sexual assault of a child);

(3)  Section 21.02, Penal Code (continuous sexual abuse of young child or disabled individual);

(4)  Section 20A.02(a)(7)(A), (B), (C), (D), or (H) or Section 20A.02(a)(8), Penal Code, involving an activity described by Section 20A.02(a)(7)(A), (B), (C), (D), or (H) or sexual conduct with a child trafficked in the manner described by Section 20A.02(a)(7), Penal Code (certain sexual trafficking of a child);

(5)  Section 43.05(a)(2), Penal Code (compelling prostitution by a child); or

(6)  Section 21.11, Penal Code (indecency with a child).

SECTION 2.  Section 16.0045, Civil Practice and Remedies Code, is amended by adding Subsections (a-1), (a-2), and (a-3) to read as follows:

(a-1)  A person must bring suit for personal injury against a non-perpetrator not later than fifteen years after the day the cause of action accrues if:

(1)  the injury arises as a result of conduct that violates a Penal Code provision listed in Subsection (a); and

(2)  the person against whom the suit is filed had a safe environment program at the time the injury occurred.

(a-2)  For the purposes of Subsection (a-1):

(1)  "non-perpetrator" means a person who did not directly physically assault the claimant or a person who is not the individual who committed the conduct that violates a provision of the Penal Code listed in Subsection (a); and

(2)  "safe environment program" means a good faith effort by a person to:

(A)  conduct criminal background checks of the person's employees not less than one time every five years;

(B)  require the person's employees to attend not less than one time every five years an in-person or on-line educational program related to the sexual abuse of minors and the reporting of sexual abuse of minors; and

(C)  report allegations of sexual abuse of minors by employees of the person to the Department of Family and Protective Services or law enforcement as required by law.

(a-3)  A claimant who files a suit described by Subsection (a) against a person described by Subsection (a-1) may not recover any damages against a non-perpetrator unless the claimant proves each element of the cause of action by clear and convincing evidence.

(a-4)  Nothing in this Act creates a private cause of action against a person concerning a safe environment program as set forth herein.

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

SECTION 4.  This Act takes effect September 1, 2023