

By: Thompson of Harris

H.B. No. 102

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the recovery of exemplary damages based on a  
3 compensable death under the Texas Workers' Compensation Act.

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

5 SECTION 1. This Act may be cited as the Christion Fitzgerald  
6 Act.

7 SECTION 2. Section 408.001(b), Labor Code, is amended to  
8 read as follows:

9 (b) This section does not prohibit the recovery of exemplary  
10 damages by the surviving spouse, or ~~or~~ heirs of the body, or the  
11 estate of a deceased employee whose death was caused by an  
12 intentional act or omission of the employer or by the employer's  
13 gross negligence.

14 SECTION 3. The change in law made by this Act applies only  
15 to a claim for workers' compensation benefits based on a  
16 compensable injury that occurs on or after the effective date of  
17 this Act. A claim based on a compensable injury that occurs before  
18 that date is governed by the law in effect on the date the  
19 compensable injury occurred, and the former law is continued in  
20 effect for that purpose.

21 SECTION 4. This Act takes effect September 1, 2023.