

By: Dutton

H.B. No. 1309

A BILL TO BE ENTITLED

AN ACT

relating to suits against certain governmental employees.

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

SECTION 1. Section 101.106, Civil Practice and Remedies Code, is amended by amending Subsections (a) and (e) and adding Subsection (g) to read as follows:

(a) Except as provided by Subsection (g), the ~~[The]~~ filing of a suit under this chapter against a governmental unit constitutes an irrevocable election by the plaintiff and immediately and forever bars any suit or recovery by the plaintiff against any individual employee of the governmental unit regarding the same subject matter.

(e) Except as provided by Subsection (g), if ~~[If]~~ a suit is filed under this chapter against both a governmental unit and any of its employees, the employees shall immediately be dismissed on the filing of a motion by the governmental unit.

(g) This section may not be construed to restrict a plaintiff's ability to bring a suit against an employee of a governmental unit for assault, battery, false imprisonment, or any other intentional tort, including a tort involving disciplinary action by school authorities.

SECTION 2. The change in law made by this Act applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrued before the effective date

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1 of this Act is governed by the law applicable to the cause of action  
2 immediately before the effective date of this Act, and that law is  
3 continued in effect for that purpose.

4 SECTION 3. This Act takes effect September 1, 2023.