

By: Leach

H.B. No. 4601

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain suits for personal injury that arise as a result
3 of conduct that violates certain Penal Code provisions concerning
4 sexual offenses against a child but that are filed against certain
5 persons who did not commit the conduct that violated those Penal
6 Code provisions.

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

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

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

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

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

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

20 (4) Section 20A.02(a)(7)(A), (B), (C), (D), or (H) or
21 Section 20A.02(a)(8), Penal Code, involving an activity described
22 by Section 20A.02(a)(7)(A), (B), (C), (D), or (H) or sexual conduct
23 with a child trafficked in the manner described by Section
24 20A.02(a)(7), Penal Code (certain sexual trafficking of a child);

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

3 (6) Section 21.11, Penal Code (indecenty with a
4 child).

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

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

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

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

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

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

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

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

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

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

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

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

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

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