

By: Plesa

H.B. No. 5179

A BILL TO BE ENTITLED

AN ACT

relating to creating a cause of action for nonconsensual condom removal.

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

SECTION 1. Title 4, Civil Practice and Remedies Code, is amended by adding Chapter 98C to read as follows:

CHAPTER 98C. LIABILITY FOR NONCONSENSUAL REMOVAL OF CONDOM DURING INTERCOURSE

Sec. 98C.001. LIABILITY FOR NONCONSENSUAL REMOVAL OF CONDOM DURING INTERCOURSE. A defendant is liable to an individual if the defendant, after removing a condom without the individual's consent, caused contact between the defendant's sexual organ and the individual's anus or sexual organ.

Sec. 98C.002. DAMAGES. (a) A court shall award a claimant who prevails in an action brought under this chapter:

(1) actual damages, including damages for mental anguish;

(2) appropriate injunctive relief;

(3) court costs; and

(4) reasonable attorney's fees.

(b) In addition to an award under Subsection (a), a claimant who prevails in an action brought under this chapter may recover exemplary damages.

SECTION 2. The change in law made by this Act applies only

H.B. No. 5179

1 to a cause of action that accrues on or after the effective date of  
2 this Act.

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