

By: Oliverson

H.B. No. 163

A BILL TO BE ENTITLED

AN ACT

relating to liability of judges and magistrates for the improper release on personal bond of defendants accused of committing certain felony offenses.

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

SECTION 1. Title 5, Civil Practice and Remedies Code, is amended by adding Chapter 108A to read as follows:

CHAPTER 108A. PUBLIC SERVANT LIABILITY

Sec. 108A.001. LIABILITY OF JUDGE OR MAGISTRATE FOR IMPROPER RELEASE. (a) A victim of an offense that was committed by a person while the person was released on personal bond, or the victim's estate if the victim is deceased, may bring a cause of action against the judge or magistrate who released the person on personal bond for damages incurred as a result of the offense if:

(1) the offense for which the person was released on personal bond is an offense involving violence, as defined by Article 17.03, Code of Criminal Procedure; and

(2) the judge or magistrate released the defendant on personal bond in violation of Article 17.03(b-2), Code of Criminal Procedure.

(b) The amount of damages awarded in an action brought under this section may not exceed \$10 million.

(c) A judge or magistrate may not assert judicial immunity or other forms of immunity as a defense to an action brought under this section.

(d) Section 108.002 does not apply to an action brought under this section.

SECTION 2. Section 108A.001, Civil Practice and Remedies Code, as added by this Act, applies only with respect to the release of a person on personal bond on or after the effective date of this Act.

SECTION 3. This Act takes effect on the 91st day after the last day of the legislative session.