

By: Thompson

H.B. No. 823

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

SECTION 4. This Act takes effect January 1, 2026, but only if the constitutional amendment proposed by the 89th Legislature, Regular Session, 2025, allowing recovery of exemplary damages by parents or a person's estate for a homicide is approved by the

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1 voters. If that amendment is not approved by the voters, this Act
2 has no effect.