

By: Zwiener

H.B. No. 2843

A BILL TO BE ENTITLED

AN ACT

relating to civil liability for sexual assault resulting in a pregnancy carried to term.

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 SEXUAL ASSAULT RESULTING IN PREGNANCY

Sec. 98C.001. DEFINITION. In this chapter, "sexual assault" means conduct described by Section 22.011, Penal Code.

Sec. 98C.002. LIABILITY FOR SEXUAL ASSAULT RESULTING IN PREGNANCY. (a) A defendant who commits an act of sexual assault is liable to the victim of the sexual assault, as provided by this chapter, for damages arising out of a pregnancy resulting from the sexual assault if the victim carries the pregnancy to term.

(b) It is not a defense to liability under this chapter that a defendant has been acquitted or has not been prosecuted or convicted under Section 22.011, Penal Code, or has been convicted of a different offense or of a different type of offense, for the conduct that is alleged to give rise to liability under this chapter.

Sec. 98C.003. DAMAGES. (a) A claimant who prevails in an action brought under this chapter is entitled to recover actual damages related to the pregnancy, the birth, and the care of the child, including:

1 (1) medical expenses, including prenatal care,
2 delivery costs, and postnatal care;

3 (2) loss of income, wages, or earning capacity;

4 (3) any other economic damages related to the
5 pregnancy, birth, or care of the child; and

6 (4) noneconomic damages, as defined by Section 41.001.

7 (b) Noneconomic damages, including damages for mental
8 anguish and physical and emotional pain and suffering, may be
9 awarded to a claimant who prevails in an action brought under this
10 chapter regardless of whether economic damages are awarded to the
11 claimant.

12 Sec. 98C.004. CAUSE OF ACTION CUMULATIVE. The cause of
13 action created by this chapter is cumulative of any other remedy
14 provided by common law or statute, including the ability to seek
15 payments for support of a child under Chapter 154, Family Code.

16 SECTION 2. Chapter 98C, Civil Practice and Remedies Code,
17 as added by this Act, applies only to a cause of action that accrues
18 on or after the effective date of this Act.

19 SECTION 3. This Act takes effect September 1, 2025.