

By: Lowe

H.B. No. 4785

A BILL TO BE ENTITLED

AN ACT

relating to elimination of limitations periods for suits for personal injury arising from certain offenses against a child or disabled individual.

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

SECTION 1. This Act may be cited as the Cindy Clemishire Act.

SECTION 2. Section 16.003(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) Except as provided by Sections 16.010, 16.0031, ~~and~~ 16.0045, and 16.0046, a person must bring suit for trespass for injury to the estate or to the property of another, conversion of personal property, taking or detaining the personal property of another, personal injury, forcible entry and detainer, and forcible detainer not later than two years after the day the cause of action accrues.

SECTION 3. Section 16.0045(c), Civil Practice and Remedies Code, is amended to read as follows:

(c) In an action for injury resulting in death arising as a result of conduct described by Subsection ~~[(a) or]~~ (b), the cause of action accrues on the death of the injured person.

SECTION 4. Section 16.0045(a), Civil Practice and Remedies Code, is redesignated as Section 16.0046, Civil Practice and Remedies Code, and amended to read as follows:

1 Sec. 16.0046. NO LIMITATIONS PERIOD. ~~[(a)]~~ A person may
2 ~~[must]~~ bring a suit for personal injury at any time ~~[not later than~~
3 ~~30 years after the day the cause of action accrues]~~ if the injury
4 arises as a result of conduct that violates:

5 (1) Section 22.011(a)(2), Penal Code (sexual assault
6 of a child);

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

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

11 (4) Section 20A.02(a)(7)(A), (B), (C), (D), or (H) or
12 Section 20A.02(a)(8), Penal Code, involving an activity described
13 by Section 20A.02(a)(7)(A), (B), (C), (D), or (H) or sexual conduct
14 with a child or disabled individual trafficked in the manner
15 described by Section 20A.02(a)(7), Penal Code (certain sexual
16 trafficking);

17 (5) Section 43.05(a)(2) or (3), Penal Code (compelling
18 prostitution by a child or disabled individual); or

19 (6) Section 21.11, Penal Code (indecenty with a
20 child).

21 SECTION 5. The changes in law made by this Act apply only to
22 a cause of action that accrues on or after the effective date of
23 this Act. A cause of action that accrued before the effective date
24 of this Act is governed by the law as it existed immediately before
25 the effective date of this Act, and that law is continued in effect
26 for that purpose.

27 SECTION 6. This Act takes effect September 1, 2025.