

By: Hayes

H.B. No. 5074

A BILL TO BE ENTITLED

AN ACT

relating to certain actions for personal injury that arise out of a sexual offense against a child or disabled individual and are brought against a non-perpetrator of the offense.

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

SECTION 1. Section 16.0045(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) Except as provided by Section 81B.004, a [A] person must bring suit for personal injury not later than 35 [~~30~~] years after the day the cause of action accrues if the injury arises as a result of conduct that violates:

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

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

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

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

(5) Section 43.05(a)(2) or (3), Penal Code (compelling

prostitution by a child or disabled individual); or

(6) Section 21.11, Penal Code (indecent with a child).

SECTION 2. Title 4, Civil Practice and Remedies Code, is amended by adding Chapter 81B to read as follows:

CHAPTER 81B. SEXUAL ABUSE ACTIONS AGAINST CERTAIN NON-PERPETRATORS

Sec. 81B.001. DEFINITION. In this chapter, "safe environment program" means a program implemented by a business or organization under which the business or organization makes a good faith effort to:

(1) conduct criminal background checks of employees at least once every five years;

(2) require employees to attend an educational program related to sexual abuse of minors and disabled individuals and the reporting of sexual abuse of minors and disabled individuals at least once every five years; and

(3) report allegations of sexual abuse of minors or disabled individuals by employees to the Department of Family and Protective Services or law enforcement, as required by law.

Sec. 81B.002. APPLICABILITY OF CHAPTER. This chapter applies to an action:

(1) to recover damages for a personal injury that arises as a result of conduct that:

(A) constitutes an offense described by Section 16.0045(a); and

(B) occurred while the injured person was under the care of a business or organization that was operating a safe

1 environment program; and

2 (2) brought against a person who:

3 (A) was an owner, operator, or employee of the  
4 business or organization at the time of the offense; and

5 (B) was not the perpetrator of the offense.

6 Sec. 81B.003. STANDARD OF PROOF. The claimant in an action  
7 described by Section 81B.002 may not recover damages in the action  
8 unless the claimant proves the elements of the cause of action by  
9 clear and convincing evidence.

10 Sec. 81B.004. LIMITATIONS PERIOD. A person must bring an  
11 action described by Section 81B.002 not later than 30 years after  
12 the day the cause of action accrues.

13 Sec. 81B.005. LIABILITY LIMITS. In an action described by  
14 Section 81B.002, the liability of the defendant is limited to money  
15 damages in a maximum amount of:

16 (1) \$250,000 for each single occurrence; and

17 (2) \$1 million per claimant.

18 Sec. 81B.006. IMMUNITY WAIVED. (a) Notwithstanding any  
19 other law and except as provided by Subsection (b), a person's  
20 sovereign or governmental immunity, as applicable, to suit and from  
21 liability is waived to the extent of the liability limits described  
22 by Section 81B.005.

23 (b) This chapter does not waive sovereign immunity to suit  
24 and from liability under the Eleventh Amendment to the United  
25 States Constitution.

26 Sec. 81B.007. CONSTRUCTION OF CHAPTER. Nothing in this  
27 chapter creates a cause of action against a person concerning a safe

1 environment program.

2         SECTION 3. The changes in law made by this Act apply only to  
3 a cause of action that accrues on or after the effective date of  
4 this Act. A cause of action that accrued before the effective date  
5 of this Act is governed by the law applicable to the cause of action  
6 immediately before the effective date of this Act, and that law is  
7 continued in effect for that purpose.

8         SECTION 4. This Act takes effect September 1, 2025.