

BILL ANALYSIS

C.S.H.B. 1102
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

According to concerned parties, a person who was sexually abused as a child has only until the person's 23rd birthday to file a lawsuit for personal injury arising from the abuse. However, experts report that childhood sexual abuse causes post-traumatic stress disorder, depression, substance abuse, and suicidal ideation and that it can take decades for most victims to identify the abuse as the cause of their trauma, much less gather the courage to expose their abusers. The concerned parties point out that by then the Texas statute of limitations for filing a civil action will have expired. C.S.H.B. 1102 addresses this concern.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1102 amends the Civil Practice and Remedies Code to increase from five years after the cause of action accrues to 15 years after the cause of action accrues the statute of limitations for a personal injury suit arising from specified offenses relating to sexual assault of a child, aggravated sexual assault of a child, continuous sexual abuse of a young child or children, sexual trafficking of a child, or compelling prostitution by a child. The bill includes indecency with a child among the offenses to which that statute of limitations applies.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1102 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 16.0045, Civil Practice and Remedies Code, is amended to

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 16.0045, Civil Practice and Remedies Code, is amended to

84R 28843

15.128.573

Substitute Document Number: 84R 25236

read as follows:

Sec. 16.0045. [FIVE-YEAR] LIMITATIONS PERIOD FOR CLAIMS ARISING FROM CERTAIN OFFENSES.

(a) A person ~~may~~ ~~[must]~~ bring suit for personal injury ~~at any time~~ ~~[not later than five 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)~~ ~~[22.011]~~, Penal Code (sexual assault of a child);
- (2) Section ~~22.021(a)(1)(B)~~ ~~[22.021]~~, Penal Code (aggravated sexual assault of a child);
- (3) Section 21.02, Penal Code (continuous sexual abuse of young child or children);
- (4) Section ~~20A.02(a)(7)(A), (B), (C), (D), or (H)~~ or Section ~~20A.02(a)(8)~~ involving an activity described by Section ~~20A.02(a)(7)(A), (B), (C), (D), or (H)~~ or sexual conduct with a child trafficked in the manner described by Section ~~20A.02(a)(7)~~ ~~[20A.02]~~, Penal Code (certain sexual trafficking of a child ~~[persons]~~); ~~[or]~~
- (5) Section ~~43.05(a)(2)~~ ~~[43.05]~~, Penal Code (compelling prostitution by a child); or
- (6) Section 21.11, Penal Code (indecent with a child).

(b) A person must bring suit for personal injury not later than five 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)(1)~~, Penal Code (sexual assault);
- (2) Section ~~22.021(a)(1)(A)~~, Penal Code (aggravated sexual assault);
- (3) Section 20A.02, Penal Code (trafficking of persons), other than conduct described by Subsection (a)(4); or
- (4) Section ~~43.05(a)(1)~~, Penal Code (compelling prostitution).

(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.

(d) A ~~[(e) — The]~~ limitations period under this section is tolled for a suit on the filing of a petition by any person in an appropriate court alleging that the identity of the defendant in the suit is unknown and designating the unknown defendant as "John or Jane Doe." The person filing the petition shall proceed with due diligence to discover the identity of the defendant and amend the petition by substituting the real name of the defendant for "John or Jane Doe" not later

read as follows:

Sec. 16.0045. [FIVE-YEAR] LIMITATIONS PERIOD FOR CLAIMS ARISING FROM CERTAIN OFFENSES.

(a) A person ~~may~~ ~~[must]~~ bring suit for personal injury not later than ~~15~~ ~~[five]~~ 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)~~ ~~[22.011]~~, Penal Code (sexual assault of a child);
- (2) Section ~~22.021(a)(1)(B)~~ ~~[22.021]~~, Penal Code (aggravated sexual assault of a child);
- (3) Section 21.02, Penal Code (continuous sexual abuse of young child or children);
- (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 trafficked in the manner described by Section ~~20A.02(a)(7)~~ ~~[20A.02]~~, Penal Code (certain sexual trafficking of a child ~~[persons]~~); ~~[or]~~
- (5) Section ~~43.05(a)(2)~~ ~~[43.05]~~, Penal Code (compelling prostitution by a child); or
- (6) Section 21.11, Penal Code (indecent with a child).

(b) A person must bring suit for personal injury not later than five 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)(1)~~, Penal Code (sexual assault);
- (2) Section ~~22.021(a)(1)(A)~~, Penal Code (aggravated sexual assault);
- (3) Section 20A.02, Penal Code (trafficking of persons), other than conduct described by Subsection (a)(4); or
- (4) Section ~~43.05(a)(1)~~, Penal Code (compelling prostitution).

(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.

(d) A ~~[(e) — The]~~ limitations period under this section is tolled for a suit on the filing of a petition by any person in an appropriate court alleging that the identity of the defendant in the suit is unknown and designating the unknown defendant as "John or Jane Doe." The person filing the petition shall proceed with due diligence to discover the identity of the defendant and amend the petition by substituting the real name of the defendant for "John or Jane Doe" not later

than the 30th day after the date that the defendant is identified to the plaintiff. The limitations period begins running again on the date that the petition is amended.

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

SECTION 3. This Act takes effect September 1, 2015.

than the 30th day after the date that the defendant is identified to the plaintiff. The limitations period begins running again on the date that the petition is amended.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.