

BILL ANALYSIS

H.B. 3918
By: Dutton
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been noted that current law relating to tort claims does not allow a plaintiff to sue both a governmental unit and an employee of the governmental unit regarding the same subject matter, with the result that such an employee who commits an intentional tort cannot be held liable. H.B. 3918 seeks to eliminate that exemption for employees of governmental units in cases involving intentional torts, regardless of whether the governmental unit is a party to the same suit.

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

H.B. 3918 amends the Civil Practice and Remedies Code to prohibit statutory provisions relating to the election of remedies in a suit against a governmental unit or an employee of a governmental unit under the Texas Tort Claims Act from being construed to restrict a plaintiff's ability to bring a suit against an employee of a governmental unit for assault, battery, false imprisonment, or any other intentional tort, including a tort involving disciplinary action by school authorities.

EFFECTIVE DATE

September 1, 2019.