

SUBJECT: Creating liability for abuse of elderly persons or persons with disabilities

COMMITTEE: Judiciary and Civil Jurisprudence — favorable, without amendment

VOTE: 9 ayes — Leach, Farrar, Y. Davis, Julie Johnson, Krause, Meyer, Neave, Smith, White

0 nays

WITNESSES: For — John Woodley, Advocate for Disability Access; Joey Gidseg, Texas Democrats with Disabilities; Ware Wendell, Texas Watch; (*Registered, but did not testify:* Jacquie Benestante, Autism Society of Texas; Chris Masey, Coalition of Texans with Disabilities; Michelle Dooley, Community Now!; Will Francis, National Association of Social Workers-Texas Chapter; Beverley Black, Chris Botello, Kathy Bradway, and David Swallow, Texas Advocates; Deanna L. Kuykendall, Texas Brain Injury Providers Alliance; Linda Litzinger, Texas Parent to Parent; Mary Elizabeth; Bryan Register; Craig Schiebel)

Against — (*Registered, but did not testify:* Lee Parsley, Texans for Lawsuit Reform)

BACKGROUND: Concerns have been raised that elderly persons and persons with disabilities who have experienced abuse or exploitation have little recourse against their abusers short of criminal actions, which require a higher burden a proof than civil actions and a prosecutor's determination that their cases are worth pursuing in light of limited resources.

DIGEST: HB 4476 would cause persons to be civilly liable to elderly persons or persons with disabilities for damages for abuse or exploitation.

Claimants prevailing in such suits could recover actual damages, including damages for mental anguish even if no other injuries were shown. Claimants also could recover exemplary damages and reasonable attorney fees.

This bill would take effect September 1, 2019, and would apply to a cause of action that accrued on or after that date.