

**BILL ANALYSIS**

Senate Research Center

S.B. 1652  
By: Ellis  
State Affairs  
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As Filed

**AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The Texas Tort Claims Act currently provides that the state waives sovereign immunity only if the tort committed involves real or personal property. Texas is unique in applying this standard, and it has created irreconcilable differences in court decisions and created confusion in the courts of appeal. The use of this standard has also precluded victims of abuse by a governmental entity, such as victims of sexual abuse in the Texas Youth Commission, from bringing charges against the entity, because those abuses do not involve the use of tangible personal property.

As proposed, S.B. 1652 eliminates the use of the “tangible personal or real property” standard in the state’s sovereign immunity laws, thereby making a governmental entity liable for such abuses.

**RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

**SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 101.021, Civil Practice and Remedies Code, to make a governmental unit liable for personal injury and death caused by the negligence of the unit it would be liable for under Texas law were the unit a private person.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2007.