

## **BILL ANALYSIS**

Senate Research Center  
76R3940 DLF-D

H.B. 681  
By: Allen (Duncan)  
Criminal Justice  
5/3/1999  
Engrossed

### **DIGEST**

Currently, the Texas Department of Criminal Justice (TDCJ) has limited liability for auto accidents in which inmates are involved during the course and scope of their assigned duties. This limited liability enables TDCJ to reimburse an individual if an inmate driver causes property damage or injuries. H.B. 681 would establish conditions regarding claims against TDCJ for certain conduct of state prison inmates.

### **PURPOSE**

As proposed, H.B. 681 establishes conditions regarding claims against the Texas Department of Criminal Justice for certain conduct of state prison inmates.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 101.029, Civil Practice and Remedies Code, to provide that the Texas Department of Criminal Justice (TDCJ) is liable for certain occurrences caused by a wrongful act, omission, or negligence by an inmate or state jail defendant (defendant) housed in a facility operated by TDJC if certain conditions exist, including if the inmate or defendant would be personally liable to the claimant for the damage, injury, or death, if the inmate or defendant were a private person acting in similar circumstances. Prohibits a claimant from naming the inmate or defendant whose act or omission gave rise to the claim as a codefendant in an action. Provides that an judgment in an action or a settlement of a claim against TDCJ bars any similar action involving the inmate or defendant to give rise to a claim. Makes conforming changes.

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Emergency clause.