CIVIL PRACTICE AND REMEDIES CODE

TITLE 5. GOVERNMENTAL LIABILITY

CHAPTER 117. LIABILITY FOR AND INDEMNIFICATION OF CERTAIN CLAIMS RELATING TO ENFORCEMENT OF CERTAIN CRIMINAL OFFENSES INVOLVING ILLEGAL ENTRY INTO THIS STATE

Sec. 117.001. DEFINITION. In this chapter, "damages" includes any and all damages, fines, fees, penalties, court costs, attorney's fees, or other assessments.

Added by Acts 2023, 88th Leg., 4th C.S., Ch. 1 (S.B. 4), Sec. 3, eff. March 5, 2024.

Sec. 117.002. CIVIL IMMUNITY FOR AND INDEMNIFICATION OF LOCAL GOVERNMENT OFFICIALS, EMPLOYEES, AND CONTRACTORS. (a) Except as provided by Subsection (d), a local government official, employee, or contractor is immune from liability for damages arising from a cause of action under state law resulting from an action taken by the official, employee, or contractor to enforce Chapter 51, Penal Code, or an order issued under Article 5B.002, Code of Criminal Procedure, during the course and scope of the official's, employee's, or contractor's office, employment, or contractual performance for or service on behalf of the local government.

(b) Subject to Subsection (c) and except as provided by Subsection (d), a local government shall indemnify an official, employee, or contractor of the local government for damages arising from a cause of action under federal law resulting from an action taken by the official, employee, or contractor to enforce Chapter 51, Penal Code, or an order issued under Article 5B.002, Code of Criminal Procedure, during the course and scope of the official's, employee's, or contractor's office, employment, or contractual performance for or service on behalf of the local government.

(c) Indemnification payments made under Subsection (b) by a local government may not exceed:

(1) $100,000 to any one person or $300,000 for any single occurrence in the case of personal injury or death; or

(2) $10,000 for a single occurrence of property

damage.

(d) Subsections (a) and (b) do not apply if the court or jury determines that the local government official, employee, or contractor acted in bad faith, with conscious indifference, or with recklessness.

(e) A local government shall indemnify an official, employee, or contractor of the local government for reasonable attorney's fees incurred in defense of a criminal prosecution against the official, employee, or contractor for an action taken by the official, employee, or contractor to enforce Chapter 51, Penal Code, or an order issued under Article 5B.002, Code of Criminal Procedure, during the course and scope of the official's, employee's, or contractor's office, employment, or contractual performance for or service on behalf of the local government.

(f) This section may not be construed to waive any statutory limits on damages under state law.

Added by Acts 2023, 88th Leg., 4th C.S., Ch. 1 (S.B. 4), Sec. 3, eff. March 5, 2024.

Sec. 117.003. CIVIL IMMUNITY FOR AND INDEMNIFICATION OF STATE OFFICIALS, EMPLOYEES, AND CONTRACTORS. (a) Except as provided by Subsection (d), an elected or appointed state official or a state employee or contractor is immune from liability for damages arising from a cause of action under state law resulting from an action taken by the official, employee, or contractor to enforce Chapter 51, Penal Code, or an order issued under Article 5B.002, Code of Criminal Procedure, during the course and scope of the official's, employee's, or contractor's office, employment, or contractual performance for or service on behalf of the state.

(b) Except as provided by Subsection (d), the state shall indemnify an elected or appointed state official or a state employee or contractor for damages arising from a cause of action under federal law resulting from an action taken by the official, employee, or contractor to enforce Chapter 51, Penal Code, or an order issued under Article 5B.002, Code of Criminal Procedure, during the course and scope of the official's, employee's, or contractor's office, employment, or contractual performance for or

service on behalf of the state.

(c) Notwithstanding any other law, an indemnification payment made under Subsection (b) is not subject to an indemnification limit under the laws of this state.

(d) Subsections (a) and (b) do not apply if the court or jury determines that the state official, employee, or contractor acted in bad faith, with conscious indifference, or with recklessness.

(e) The state shall indemnify a state official, employee, or contractor for reasonable attorney's fees incurred in defense of a criminal prosecution against the official, employee, or contractor for an action taken by the official, employee, or contractor to enforce Chapter 51, Penal Code, or an order issued under Article 5B.002, Code of Criminal Procedure, during the course and scope of the official's, employee's, or contractor's office, employment, or contractual performance for or service on behalf of the state.

(f) A state official, employee, or contractor who may be entitled to indemnification under Subsection (b) is entitled to representation by the attorney general, subject to Chapter 104, in an action in connection with which the official, employee, or contractor may be entitled to that indemnification.

(g) This section may not be construed to waive any statutory limits on damages under state law.

Added by Acts 2023, 88th Leg., 4th C.S., Ch. 1 (S.B. 4), Sec. 3, eff. March 5, 2024.

Sec. 117.004. APPEAL TO SUPREME COURT. For a civil action brought against a person who may be entitled to immunity or indemnification under Section 117.002 or 117.003, an appeal must be taken directly to the supreme court.

Added by Acts 2023, 88th Leg., 4th C.S., Ch. 1 (S.B. 4), Sec. 3, eff. March 5, 2024.

Sec. 117.005. OTHER LAWS NOT AFFECTED. This chapter does not affect a defense, immunity, or jurisdictional bar available to the state or a local government or an official, employee, or contractor of the state or a local government.

Added by Acts 2023, 88th Leg., 4th C.S., Ch. 1 (S.B. 4), Sec. 3, eff.

March 5, 2024.