Give Homicide Families Time to Sue

Extends the wrongful-death deadline in homicide cases from two years to six — and stops a pending prosecution from using up the last of it.

90TH LEGISLATURE • PROPOSAL
Amends Civil Practice & Remedies Code §16.003(b); adds a new Chapter 16 section
Status: draft — ready for an author

GUIDING PRINCIPLES
Protect and expand victims' rights • Stand with victims through the whole system

CHAMPION SOUGHT
Author / co-author / endorser / testifier / adviser — whichever role your group can take

THE ASK We ask victims' advocacy organisations to **champion, endorse, testify for, or advise on** this bill — and members of the 90th Legislature to consider authoring it. No organisation is a supporter until it commits.

1 — THE PROBLEM VICTIMS FACE TODAY

Texas gives a family two years from the date of death to file a wrongful-death suit — and that clock runs straight through the criminal case, on a timetable the family does not control. A first trial can end in a hung jury; a retrial can take another year. Meanwhile the evidence that someone besides the killer also bears responsibility — a bar that overserved him, an owner who ignored a known danger — usually surfaces inside that criminal case, in testimony the family cannot use while it is pending. The deadline can expire first.

2 — WHAT THIS BILL DOES

- **Six years instead of two** in homicide cases, from the date of death — against the perpetrator and third parties alike, for all beneficiaries.
- **A prosecution cannot consume the last of it.** If the State indicts while time remains, remaining time never falls below 1.5 years while the case is pending — the clock pauses at that floor, and a late indictment restores it.
- **Real time afterward.** The case concludes at the first verdict, plea, or dismissal — not sentencing, not appeals; a hung jury is not a conclusion. The clock resumes six months later: at least two full years in real time.
- **Deliberately does not** create a new cause of action or change any element, defence, or damages rule. With no indictment inside six years, the claim expires for good.

3 — HOW IT HELPS VICTIMS

BEFORE	AFTER
The two years can be consumed entirely by investigation, trial, and retrial. The claims are gone — not decided against the family, never heard at all.	The family can wait for the facts, then sue once, against whom the evidence supports — in a guaranteed window.

> *"A family can spend the entire two years as witnesses in the State's case and reach the end of it to find their own claims have expired."*
> — Lawrence Baitland, father of Cayley Mandadi, murdered October 29, 2017

4 — BALANCE & SAFEGUARDS

The bill never revives an expired claim — a vested defence stays vested, and claims barred before it takes effect stay barred. It is outcome-neutral: a lesser-offence conviction, plea, acquittal, or dismissal all count as a conclusion. A claim need only arise out of the same facts as the prosecution; repose is untouched. Governmental defendants are included; notice is timely within six months after the case concludes.

5 — HOW HARD WILL THIS BE TO PASS?

●●●●○ **High**

Extending any limitations period draws organised tort-reform opposition. The House and governorship have changed parties; the Senate stays Republican (19–12) under a new lieutenant governor. Likely stall point: House Judiciary & Civil Jurisprudence or Senate State Affairs, where the last limitations bills died unheard. Fallback: Virginia-style tolling plus a guaranteed filing window.

6 — RISKS & MITIGATIONS

RISK / OBJECTION	MITIGATION IN THE BILL OR MESSAGE
"It revives dead claims — an unconstitutional retroactive law"	It revives nothing. Every protection attaches only while a claim is still alive; a claim already expired stays expired.
A business learns it is a target years later, records gone	The evidence here is preserved by the State — sworn and transcribed. With no indictment the horizon is fixed: six years.
"Families can just file protectively"	That means suing unvetted third parties on suspicion, before the evidence exists — more litigation, more innocent defendants.

7 — WHO IS LIKELY WITH US — AND AGAINST US

POTENTIAL ALLIES

Texas Crime Victims United — survivor-run; murder families are who this trap hits. Status: to approach.

Texas Trial Lawyers Association — supports preserving access to court. Ask: advise, testify.

MADD Texas — drunk-driving deaths generate common third-party claims. Ask: endorse, testify.

LIKELY OPPONENTS

Texans for Lawsuit Reform — extending any limitations exposure draws its scrutiny.

Texas Civil Justice League — prizes predictability; opposes new ways to sue.

Insurers and premises businesses — reserving and stale-evidence arguments.

Best counter: no new way to sue — only when the courthouse door closes.

8 — POTENTIAL AUTHORS FROM BILL SCORING

CANDIDATE	SCORE*	WHY THEY FIT
Rep. Greg Bonnen — House, HD 24	**60**	The advocates' own representative, who carried their earlier victims' bills.
Sen. Joan Huffman — Senate, SD 17	**71**	Carried more victims' bills than anyone in the Senate.
Sen. Angela Paxton — Senate, SD 8	**63.5**	Authored the 89th's limitations-elimination pair; this is the prospective version that can pass.

* Score = prior bill-scoring rating (89th backtest). Re-verify in January; results unofficial until the canvass.

COST
No significant administrative cost expected; governmental exposure is bounded by existing Tort Claims Act caps.

EVIDENCE IT CAN WORK
Virginia pauses the civil clock during a prosecution; Georgia pauses it for up to six years; federal law stays the civil case meanwhile.

NEXT STEP
A 20-minute briefing, then a yes or no on championing. Contact: Lawrence Baitland.