

CIVIL PRACTICE AND REMEDIES CODE

TITLE 4. LIABILITY IN TORT

CHAPTER 98. LIABILITY FOR TRAFFICKING OF PERSONS

Sec. 98.001. DEFINITION. In this chapter, "trafficking of persons" means conduct that constitutes an offense under Chapter [20A](#), Penal Code.

Added by Acts 2009, 81st Leg., R.S., Ch. 309 (H.B. [533](#)), Sec. 1, eff. June 19, 2009.

Sec. 98.002. LIABILITY. (a) A defendant who engages in the trafficking of persons or who intentionally or knowingly benefits from participating in a venture that traffics another person is liable to the person trafficked, as provided by this chapter, for damages arising from the trafficking of that person by the defendant or venture.

(b) It is not a defense to liability under this chapter that a defendant has been acquitted or has not been prosecuted or convicted under Chapter [20A](#), Penal Code, or has been convicted of a different offense or of a different type or class of offense, for the conduct that is alleged to give rise to liability under this chapter.

Added by Acts 2009, 81st Leg., R.S., Ch. 309 (H.B. [533](#)), Sec. 1, eff. June 19, 2009.

Sec. 98.0025. SHAREHOLDER AND MEMBER LIABILITY. (a) This section applies to a legal entity governed by Title 2, 3, or 7, Business Organizations Code.

(b) Notwithstanding any provision of the Business Organizations Code, if a legal entity described by Subsection (a) is liable under Section [98.002](#), a shareholder or member of that entity is jointly and severally liable with the entity to the person trafficked for damages arising from the trafficking of that person if the person demonstrates that the shareholder or member caused the entity to be used for the purpose of trafficking that person and did traffic that person for the direct personal benefit of the shareholder or member.

Added by Acts 2015, 84th Leg., R.S., Ch. 283 (H.B. 968), Sec. 1, eff. June 1, 2015.

Sec. 98.003. DAMAGES. (a) A claimant who prevails in a suit under this chapter shall be awarded:

(1) actual damages, including damages for mental anguish even if an injury other than mental anguish is not shown;

(2) court costs; and

(3) reasonable attorney's fees.

(b) In addition to an award under Subsection (a), a claimant who prevails in a suit under this chapter may recover exemplary damages.

Added by Acts 2009, 81st Leg., R.S., Ch. 309 (H.B. 533), Sec. 1, eff. June 19, 2009.

Sec. 98.004. CAUSE OF ACTION CUMULATIVE. The cause of action created by this chapter is cumulative of any other remedy provided by common law or statute.

Added by Acts 2009, 81st Leg., R.S., Ch. 309 (H.B. 533), Sec. 1, eff. June 19, 2009.

Sec. 98.005. JOINT AND SEVERAL LIABILITY. A person who engages in the trafficking of persons or who intentionally or knowingly benefits from participating in a venture that traffics another person and is found liable under this chapter or other law for any amount of damages arising from the trafficking is jointly liable with any other defendant for the entire amount of damages arising from the trafficking.

Added by Acts 2009, 81st Leg., R.S., Ch. 309 (H.B. 533), Sec. 1, eff. June 19, 2009.

Sec. 98.006. LIBERAL CONSTRUCTION AND APPLICATION. This chapter shall be liberally construed and applied to promote its underlying purpose to protect persons from human trafficking and provide adequate remedies to victims of human trafficking.

Added by Acts 2009, 81st Leg., R.S., Ch. 309 (H.B. 533), Sec. 1, eff. June 19, 2009.

Sec. 98.007. CONFIDENTIAL IDENTITY IN CERTAIN ACTIONS.

(a) In this section, "confidential identity" means:

- (1) the use of a pseudonym; and
- (2) the absence of any other identifying information, including address, telephone number, and social security number.

(b) Except as otherwise provided by this section, in an action under this chapter, the court shall:

- (1) make it known to the claimant as early as possible in the proceedings of the action that the claimant may use a confidential identity in relation to the action;

- (2) allow a claimant to use a confidential identity in all petitions, filings, and other documents presented to the court;

- (3) use the confidential identity in all of the court's proceedings and records relating to the action, including any appellate proceedings; and

- (4) maintain the records relating to the action in a manner that protects the confidentiality of the claimant.

(c) In an action under this chapter, only the following persons are entitled to know the true identifying information about the claimant:

- (1) the judge;
 - (2) a party to the action;
 - (3) the attorney representing a party to the action;
- and

- (4) a person authorized by a written order of a court specific to that person.

(d) The court shall order that a person entitled to know the true identifying information under Subsection (c) may not divulge that information to anyone without a written order of the court. A court shall hold a person who violates the order in contempt.

(e) Notwithstanding Section [22.004](#), Government Code, the supreme court may not amend or adopt rules in conflict with this section.

(f) A claimant is not required to use a confidential identity as provided by this section.

Added by Acts 2021, 87th Leg., R.S., Ch. 807 (H.B. [1540](#)), Sec. 4,

eff. September 1, 2021.