

1-1 By: Hinojosa S.B. No. 484  
 1-2 (In the Senate - Filed January 27, 2021; March 9, 2021, read  
 1-3 first time and referred to Committee on State Affairs;  
 1-4 April 1, 2021, reported favorably by the following vote: Yeas 8,  
 1-5 Nays 0; April 1, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16			X	

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the right of a member of the state military forces to  
 1-20 retain private legal counsel and file a civil action.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subchapter E, Chapter 437, Government Code, is  
 1-23 amended by adding Section 437.2131 to read as follows:

1-24 Sec. 437.2131. RIGHT TO CIVIL ACTION AND PRIVATE LEGAL  
 1-25 COUNSEL. (a) This section applies to a service member of the Texas  
 1-26 military forces who is ordered to state active duty or to state  
 1-27 training and other duty by the governor, the adjutant general, or  
 1-28 another proper authority under the law of this state and who is  
 1-29 entitled under Section 437.213 to the same benefits and protections  
 1-30 provided to persons:

1-31 (1) performing services in the uniformed services as  
 1-32 provided by 38 U.S.C. Sections 4301-4313 and 4316-4319; and

1-33 (2) in the military service of the United States as  
 1-34 provided by 50 U.S.C. Sections 3901-3959, 3991, and 4011-4026.

1-35 (b) A service member described by Subsection (a) may retain  
 1-36 private legal counsel and, notwithstanding Subchapter I, file a  
 1-37 civil action in a district court in this state if the service member  
 1-38 is aggrieved by a violation of or is denied a benefit or protection  
 1-39 guaranteed under:

1-40 (1) Section 437.204;

1-41 (2) 38 U.S.C. Sections 4301-4313 and 4316-4319; or

1-42 (3) 50 U.S.C. Sections 3901-3959, 3991, and 4011-4026.

1-43 (c) The court may award to a service member who prevails in  
 1-44 an action filed under this section:

1-45 (1) any appropriate declaratory or equitable relief;

1-46 (2) other appropriate relief, including monetary  
 1-47 damages; and

1-48 (3) costs of the action and reasonable attorney's  
 1-49 fees.

1-50 (d) This section does not limit any remedy or relief  
 1-51 available to a service member under other law, including:

1-52 (1) a remedy or relief available under Section  
 1-53 437.204(b) or Subchapter I; or

1-54 (2) consequential and punitive damages.

1-55 SECTION 2. Section 437.2131, Government Code, as added by  
 1-56 this Act, applies to a service member of the Texas military forces  
 1-57 ordered to state active duty or state training and other duty by the  
 1-58 governor, the adjutant general, or another proper authority under  
 1-59 the law of this state on or after the effective date of this Act,  
 1-60 regardless of whether the date the person was initially ordered to  
 1-61 state active duty or state training and other duty was before the

2-1 effective date of this Act.

2-2 SECTION 3. This Act takes effect September 1, 2021.

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