

**COMMENTS SUBMITTED BY TEXAS WATCH EXECUTIVE DIRECTOR
WARE WENDELL TO THE HOUSE STATE AFFAIRS COMMITTEE
IN OPPOSITION TO H.B. 4
NOVEMBER 9, 2023**

I lead Texas Watch, a nonpartisan, nonprofit citizen advocacy organization. For 25 years, we have worked on a range of safety- and justice-related issues. We believe safety results from full accountability under our laws. For more on our organization, please see www.texaswatch.org.

I write today in regard to H.B. 4, which will be heard in committee shortly. Specifically, I wish to raise concerns with proposed Chapter 117 of the Texas Civil Practice & Remedies Code. The legislation purportedly relates to the rule of law in our state; however, SECTION 3 of the bill unfortunately subverts the regular rule of law by creating civil immunity for local government officials, employees, and contractors. Special provisions for indemnification and a direct appeal to the highest court in our state are also provided in the published draft of the bill.

For the rules to really mean something, they must be applied evenly and consistently across society, without fear or favor. The negligence standard has served our state well for well over a century, requiring citizens to conduct themselves reasonably and safely. In the absence of strong laws and real accountability, unreasonable risks are taken, care is neglected, and needless harm results.

The liability loopholes in the legislation deviate from our long-standing negligence standard, distorting incentives and shaping behavior in the wrong direction. We fear the unintended consequence will be a rise in harmful conduct and even the loss of life.

For these reasons, we respectfully oppose the legislation.