

By: Thompson of Harris, Howard, Neave,  
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H.B. No. 4661

A BILL TO BE ENTITLED

AN ACT

relating to sexual harassment by lobbyists and certain elected or  
appointed state officers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 571.1211(3), Government Code, is amended  
to read as follows:

(3) "Category Two violation" means:

(A) a violation of a law within the jurisdiction  
of the commission that is not a Category One violation; or

(B) a violation of Section 572.103.

SECTION 2. Subchapter E, Chapter 571, Government Code, is  
amended by adding Section 571.1261 to read as follows:

Sec. 571.1261. EXPEDITED PROCESS FOR SEXUAL HARASSMENT  
COMPLAINT. (a) Notwithstanding any other law, not later than the  
180th day after the date a complaint is filed with the commission  
alleging a violation of Section 572.103, the commission shall  
complete a preliminary review and, if necessary, conduct a formal  
hearing regarding the complaint.

(b) A formal hearing under this section may be conducted by  
electronic means.

SECTION 3. Section 571.139(b), Government Code, is amended  
to read as follows:

(b) Chapter 551 does not apply to the processing,  
preliminary review, preliminary review hearing, or resolution of a

1 sworn complaint or motion, or to a formal hearing regarding a  
2 complaint alleging a violation of Section 572.103, but does apply  
3 to a formal hearing held under Sections 571.129 through 571.131.

4 SECTION 4. Section 571.174, Government Code, is amended to  
5 read as follows:

6 Sec. 571.174. DENIAL, SUSPENSION, OR REVOCATION OF LOBBYIST  
7 REGISTRATION. (a) The [~~After a criminal conviction for an offense~~  
8 ~~under Chapter 36 of the Penal Code or under Chapter 305, the~~]  
9 commission may deny, suspend, or revoke the registration of a  
10 person required to be registered under Chapter 305 if:

11 (1) the commission issues an order finding that the  
12 person violated Section 572.103; or

13 (2) the person is convicted of an offense under  
14 Chapter 36, Penal Code, or Chapter 305.

15 (b) If a person required to register under Chapter 305 is  
16 charged with an offense under Section 22.011, 22.012, or 22.021,  
17 Penal Code, the executive director may, after notice and an  
18 opportunity for a hearing before the commission, temporarily  
19 suspend or restrict the person's registration for a period not to  
20 exceed 90 days.

21 (c) A hearing under Subsection (b) may be held by electronic  
22 means.

23 SECTION 5. Chapter 572, Government Code, is amended by  
24 adding Subchapter D to read as follows:

25 SUBCHAPTER D. SEXUAL HARASSMENT

26 Sec. 572.101. DEFINITION. In this subchapter, "sexual  
27 harassment" means an unwelcome sexual advance, a request for a

1 sexual favor, or any other verbal or physical conduct of a sexual  
2 nature if:

3 (1) submission to or rejection of the advance,  
4 request, or conduct is used as the basis for a decision in making an  
5 expenditure authorized by Chapter 305 of this code or Title 15,  
6 Election Code;

7 (2) the advance, request, or conduct has the purpose  
8 or effect of creating an intimidating, hostile, or offensive  
9 working environment; or

10 (3) the advance, request, or conduct unreasonably  
11 interferes with a person's exercise or enjoyment of any right,  
12 privilege, power, or immunity, either explicitly or implicitly.

13 Sec. 572.102. SEXUAL HARASSMENT TRAINING REQUIRED. (a)  
14 Each member of the legislature, official holding an elected  
15 statewide executive branch office, or individual elected to the  
16 legislature or elected to or appointed to a statewide executive  
17 branch office shall:

18 (1) complete a sexual harassment training program  
19 approved by the commission not later than the 60th day after each  
20 uniform election date in November; and

21 (2) file with the commission written evidence of  
22 completing the program on a form prescribed by the commission.

23 (b) An individual required to register under Chapter 305  
24 shall:

25 (1) complete:

26 (A) an initial sexual harassment training  
27 program approved by the commission not later than the 30th day after

1 the date the individual files an initial registration under Section  
2 305.005; and

3 (B) an additional sexual harassment training  
4 program approved by the commission not later than each two-year  
5 anniversary of the deadline under Paragraph (A); and

6 (2) file with the commission written evidence of  
7 completing each program on a form prescribed by the commission.

8 (c) The commission shall approve one or more sexual  
9 harassment training programs for purposes of Subsections (a) and  
10 (b). The commission may approve a sexual harassment training  
11 program that is made available by a house of the legislature to  
12 members, officers, and employees of that house.

13 (d) A sexual harassment training program approved by the  
14 commission must provide an individual with written evidence of  
15 completion of the program on a form prescribed by the commission.

16 (e) A sexual harassment training program approved by the  
17 commission may be offered online or in person.

18 Sec. 572.103. SEXUAL HARASSMENT PROHIBITED. Each member of  
19 the legislature, official holding an elected statewide executive  
20 branch office, individual elected to the legislature or elected to  
21 or appointed to a statewide executive branch office, or individual  
22 required to register under Chapter 305 may not intentionally or  
23 knowingly engage in conduct that constitutes sexual harassment.

24 SECTION 6. (a) Not later than September 1, 2021, the Texas  
25 Ethics Commission shall approve at least one sexual harassment  
26 training program for purposes of Section 572.102, Government Code,  
27 as added by this Act.

1           (b) An individual who, on September 1, 2021, is registered  
2 under Chapter 305, Government Code, shall complete the initial  
3 training required by Section 572.102(b)(1)(A), Government Code, as  
4 added by this Act, not later than October 1, 2021.

5           SECTION 7. This Act takes effect immediately if it receives  
6 a vote of two-thirds of all the members elected to each house, as  
7 provided by Section 39, Article III, Texas Constitution. If this  
8 Act does not receive the vote necessary for immediate effect, this  
9 Act takes effect September 1, 2021.