

By: Hughes

S.B. No. 1360

A BILL TO BE ENTITLED

AN ACT

1
2 relating to notice of a state or federal investigation of alleged
3 criminal conduct by a student or a faculty member or other
4 instructor of a public or private institution of higher education
5 in this state; authorizing a civil penalty.

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

7 SECTION 1. Subchapter 2, Chapter 51, Education Code, is
8 amended by adding Section 51.956 to read as follows:

9 Sec. 51.956. NOTICE OF INVESTIGATION OF CERTAIN CRIMINAL
10 CONDUCT. (a) This section applies only to an investigation
11 conducted by a state or federal law enforcement agency with respect
12 to an allegation of criminal conduct that:

13 (1) is committed by a student or a faculty member or
14 other instructor of a public or private institution of higher
15 education in this state; and

16 (2) poses a threat to the security of the institution,
17 of any political subdivision in which the institution is located,
18 or of this state or nation.

19 (b) For purposes of this section, criminal conduct poses a
20 threat to the security of a public or private institution of higher
21 education, of a political subdivision of this state, or of this
22 state or nation if the applicable conduct contains elements of any
23 of the following:

24 (1) theft of intellectual property;

1 (2) unauthorized access to sensitive or protected
2 information such as intellectual property, including a breach of
3 computer security for purposes of gaining access to that
4 information; or

5 (3) espionage conducted on behalf of a foreign
6 government.

7 (c) An administrator or department head of a public or
8 private institution of higher education who learns of an
9 investigation described by Subsection (a) involving alleged
10 criminal conduct by a student or faculty member or other instructor
11 of the institution shall promptly report that information to the
12 office of the president of the institution. The president shall
13 promptly report that information to the secretary and presiding
14 officer of the governing board of the institution.

15 (d) Not later than the 30th day after the date the presiding
16 officer of the governing board of a public or private institution of
17 higher education is notified or otherwise learns of an
18 investigation as described by Subsection (c), the governing board
19 shall provide written notice of that investigation to the
20 lieutenant governor, the speaker of the house of representatives,
21 and each standing committee of the legislature with primary
22 jurisdiction over higher education matters. The written notice
23 must contain any information about the investigation that is known
24 by the presiding officer at the time of the notice, including the
25 name of the investigating agency and, if known:

26 (1) the targeted individual's citizenship or permanent
27 resident status;

1 (2) the degree of access of the individual to
2 intellectual property or to other sensitive or protected
3 information;

4 (3) any link or affiliation of the individual to or
5 with a foreign government; and

6 (4) a description of the nature and possible
7 seriousness of the allegation.

8 (e) The name of a targeted individual must be redacted for
9 purposes of any notice provided under this section.

10 (f) A public or private institution of higher education
11 whose governing board fails to timely provide the written notice as
12 required by Subsection (d) is liable to the state for a civil
13 penalty in an amount not to exceed \$20,000 for each violation. The
14 attorney general may investigate any alleged violation of this
15 section and may sue to collect the civil penalty described by this
16 subsection.

17 SECTION 2. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2021.