

## **BILL ANALYSIS**

C.S.H.B. 532  
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Criminal Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The Educators' Code of Ethics states that an educator should not "solicit or engage in sexual conduct or a romantic relationship with a student." Though an educator may be sanctioned for violation of this rule, currently, there are no laws that would prohibit sexual relations between an educator, or a school employee, and a student.

C.S.H.B. 532 would create the offense of improper sexual relations between employees of a public or private primary or secondary school and students younger than 18 years of age.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 532 amends the Penal Code to prohibit an employee of a public or private primary or secondary school to engage in sexual contact, sexual intercourse, or deviate sexual intercourse with a person younger than 18 years of age and who is not the employee's spouse by creating a penalty. The bill provides that it is an affirmative defense to prosecution if the actor was not more than three years older than the victim and that, at the time of the offense, the victim was 14 years of age or older and the actor was not required to register as a sex offender under Chapter 62, Code of Criminal Procedure.

C.S.H.B. 532 also amends the Education Code, requiring the State Board of Education to propose an amendment to the Educators' Code of Ethics, thereby making such conduct a violation.

### **EFFECTIVE DATE**

September 1, 2003.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B. 532 differs from the original in that it adds new language that would make it an affirmative defense to prosecution under this section if the actor was not more than three years older than the victim and that, at the time of the offense, the victim was 14 years of age or older and the actor was not required to register as a sex offender under Chapter 62, Criminal Procedure Code.