

BILL ANALYSIS

Senate Research Center

H.B. 532
By: Giddings (Nelson)
Criminal Justice
5/23/2003
Committee Report (Amended)

DIGEST 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, there are currently no laws that would prohibit sexual relations between a school employee and a student. H.B. 532 creates 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

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 21, Penal Code, by adding Section 21.12, as follows:

Sec. 21.12. IMPROPER RELATIONSHIP BETWEEN EDUCATOR AND STUDENT.

(a) Specifies that an employee of a public or private primary or secondary school commits an offense if the employee engages in sexual contact, sexual intercourse, or deviate sexual intercourse with a person who is enrolled in a public or private primary or secondary school and who is not the employee's spouse.

(b) Provides that an offense under this section is a felony of the second degree.

(c) Authorizes the actor to be prosecuted under either section or both sections, if conduct constituting an offense under this section also constitutes an offense under another section of this code.

SECTION 2. Effective date: September 1, 2003.

LIST OF COMMITTEE AMENDMENTS

On page 1, line 13, between "school" and "and", insert "at which the employee works."