

By: Giddings

H.B. No. 532

Substitute the following for H.B. No. 532:

By: Denny

C.S.H.B. No. 532

A BILL TO BE ENTITLED

AN ACT

relating to creating the offense of improper sexual relations between employees of a public or private primary or secondary school and certain students.

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

SECTION 1. Chapter 21, Penal Code, is amended by adding Section 21.12 to read as follows:

Sec. 21.12. IMPROPER RELATIONSHIP BETWEEN EDUCATOR AND STUDENT. (a) 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 younger than 18 who is enrolled in a public or private primary or secondary school and who is not the employee's spouse.

(b) An offense under this section is a state jail felony.

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

(d) It is an affirmative defense to prosecution under this section that the actor was not more than three years older than the victim and that at the time of the offense:

(1) the victim was 14 years of age or older; and

(2) the actor was not required to register as a sex offender under Chapter 62, Code of Criminal Procedure.

SECTION 2. Section 21.041, Education Code, is amended by

1 adding Subsection (d) to read as follows:

2       (d) The board shall propose an amendment to the educator's  
3 code of ethics providing that engaging in conduct prohibited by  
4 Section 21.12, Penal Code, is a violation of the code of ethics.

5       SECTION 3. The State Board of Education shall propose the  
6 amendment to the educator's code of ethics, as required by Section  
7 21.041(d), Education Code, as added by this Act, not later than  
8 January 1, 2004.

9       SECTION 4. This Act takes effect September 1, 2003.