

BILL ANALYSIS

H.B. 940
By: Dukes
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that it is an offense for an employee of a public or private primary or secondary school to engage in certain sexual contact or conduct with a student enrolled in the school at which the employee works. Interested parties assert, however, that there are additional circumstances, for which there are insufficient means of prosecution, in which such an employee has an improper relationship with a student at another campus or at a school-sponsored activity. The parties contend that legislation is needed to extend the scope of this offense beyond the school campus at which the employee works. H.B. 940 seeks to address this matter by changing statutes relating to persons subject to prosecution for improper educator-student relationship.

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

H.B. 940 amends the Penal Code to expand the conditions that constitute an offense of improper relationship between an educator and a student for an employee of a public or private primary or secondary school to include engaging in sexual contact, sexual intercourse, or deviate sexual intercourse with a person who is enrolled in a public primary or secondary school in the same school district as the school at which the employee works or with a person who is a participant in an educational activity that is sponsored by a school district or a public or private primary or secondary school, if students enrolled in a public or private primary or secondary school are the primary participants in the activity and the employee provides educational services to those participants.

EFFECTIVE DATE

September 1, 2011.