

By: Dukes, Zedler

H.B. No. 940

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to persons subject to prosecution for improper  
3 relationship between educator and student.

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

5 SECTION 1. Section 21.12(a), Penal Code, is amended to read  
6 as follows:

7 (a) An employee of a public or private primary or secondary  
8 school commits an offense if the employee engages in:

9 (1) sexual contact, sexual intercourse, or deviate  
10 sexual intercourse with a person who is:

11 (A) enrolled in a public or private primary or  
12 secondary school at which the employee works;

13 (B) enrolled in a public primary or secondary  
14 school in the same school district as the school at which the  
15 employee works; or

16 (C) a participant in an educational activity that  
17 is sponsored by a school district or a public or private primary or  
18 secondary school, if:

19 (i) students enrolled in a public or  
20 private primary or secondary school are the primary participants in  
21 the activity; and

22 (ii) the employee provides educational  
23 services to those participants; or

24 (2) conduct described by Section 33.021, with a person

1 described by Subdivision (1), regardless of the age of that person.

2           SECTION 2. The change in law made by this Act applies only  
3 to an offense committed on or after the effective date of this Act.  
4 An offense committed before the effective date of this Act is  
5 governed by the law in effect when the offense was committed, and  
6 the former law is continued in effect for that purpose. For  
7 purposes of this section, an offense was committed before the  
8 effective date of this Act if any element of the offense occurred  
9 before that date.

10           SECTION 3. This Act takes effect September 1, 2011.