

By: Eiland

H.B. No. 2701

Substitute the following for H.B. No. 2701:

By: Branch

C.S.H.B. No. 2701

A BILL TO BE ENTITLED

AN ACT

relating to sexual abuse and child molestation training and examination for employees of certain programs for minors held on campuses of institutions of higher education; providing penalties.

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

SECTION 1. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.976 to read as follows:

Sec. 51.976. TRAINING AND EXAMINATION PROGRAM FOR EMPLOYEES OF CAMPUS PROGRAMS FOR MINORS ON WARNING SIGNS OF SEXUAL ABUSE AND CHILD MOLESTATION. (a) In this section:

(1) "Camper" means a minor who is attending a campus program for minors.

(2) "Campus program for minors" means a program that:

(A) is operated by or on the campus of an institution of higher education or a private or independent institution of higher education;

(B) offers recreational, athletic, religious, or educational activities for at least 20 campers who:

(i) are not enrolled at the institution;
and

(ii) attend or temporarily reside at the camp for all or part of at least four days; and

(C) is not a day camp or youth camp as defined by Section 141.002, Health and Safety Code, or a facility or program

1 required to be licensed by the Department of Family and Protective
2 Services.

3 (3) "Department" means the Department of State Health
4 Services.

5 (4) "Institution of higher education" has the meaning
6 assigned by Section 61.003.

7 (5) "Private or independent institution of higher
8 education" has the meaning assigned by Section 61.003.

9 (6) "Program operator" means a person who owns,
10 operates, or supervises a campus program for minors, regardless of
11 profit.

12 (7) "Training and examination program on sexual abuse
13 and child molestation" means a program approved by the department
14 under Subsection (f).

15 (b) A program operator may not employ an individual in a
16 position involving contact with campers at a campus program for
17 minors unless:

18 (1) the individual submits to the program operator or
19 the campus program for minors has on file documentation that
20 verifies the individual within the preceding two years successfully
21 completed the training and examination program on sexual abuse and
22 child molestation; or

23 (2) the individual successfully completes the campus
24 program for minors training and examination program on sexual abuse
25 and child molestation, which must be approved by the department,
26 during the individual's first five days of employment by the campus
27 program for minors and the campus program issues and files

1 documentation verifying successful completion.

2 (c) Subsection (b) does not apply to an individual who is a
3 student enrolled at the institution of higher education or private
4 or independent institution of higher education that operates the
5 campus program for minors or at which the campus program is
6 conducted and whose contact with campers is limited to a single
7 class of short duration.

8 (d) A program operator must:

9 (1) submit to the department:

10 (A) on the form and within the time prescribed by
11 the department verification that each employee of the campus
12 program for minors has complied with the requirements of this
13 section; and

14 (B) the fee assessed by the department under
15 Subsection (g); and

16 (2) retain in the operator's records a copy of the
17 documentation required or issued under Subsection (b) for each
18 employee until the second anniversary of the examination date.

19 (e) A person applying for or holding an employee position
20 involving contact with campers at a campus program for minors must
21 successfully complete the training and examination program on
22 sexual abuse and child molestation during the applicable period
23 prescribed by Subsection (b).

24 (f) The executive commissioner of the Health and Human
25 Services Commission by rule shall establish criteria and guidelines
26 for the training and examination program on sexual abuse and child
27 molestation required by this section. The program must include

1 training and an examination on the topics listed in Section
2 141.0095(e), Health and Safety Code. The department may approve
3 training and examination programs on sexual abuse and child
4 molestation offered by trainers under contract with campus programs
5 for minors or by online training organizations or may approve
6 programs offered in another format authorized by the department.

7 (g) The department may assess a fee in the amount necessary
8 to cover the costs of administering this section to:

9 (1) each person that applies for the department's
10 approval of a training and examination program on sexual abuse and
11 child molestation under this section; and

12 (2) each program operator who files with the
13 department the verification form required under Subsection
14 (d)(1)(A).

15 (h) The department at least every five years shall review
16 each training and examination program on sexual abuse and child
17 molestation approved by the department under Subsection (f) to
18 ensure the program continues to meet the criteria and guidelines
19 established by rule under that subsection.

20 (i) The department may investigate a person the department
21 suspects of violating this section or a rule adopted under this
22 section. A person who violates this section is subject to the
23 enforcement provisions of Section 141.015, Health and Safety Code,
24 as if the person violated Chapter 141, Health and Safety Code, or a
25 rule adopted under that chapter.

26 (j) The program operator and the institution that operates
27 the campus program for minors or at which the campus program is

1 conducted are immune from civil or criminal liability for any act or
2 omission of an employee for which the employee is immune under
3 Section 261.106, Family Code.

4 (k) A program operator shall consider the costs of
5 compliance with this section in determining any charges or fees
6 imposed and collected for participation in the campus program for
7 minors.

8 SECTION 2. (a) Not later than December 1, 2011, the
9 executive commissioner of the Health and Human Services Commission
10 by rule shall establish criteria and guidelines for the training
11 and examination program on sexual abuse and child molestation
12 required by Section 51.976, Education Code, as added by this Act.

13 (b) Notwithstanding Section 51.976, Education Code, as
14 added by this Act, a campus program for minors or an individual
15 employed by a campus program for minors is not required to comply
16 with Section 51.976, Education Code, as added by this Act, before
17 June 1, 2012.

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