

By: Eiland

H.B. No. 2701

A BILL TO BE ENTITLED

AN ACT

relating to sexual abuse and child molestation training for volunteers and 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. Section 141.002, Health and Safety Code, is amended by amending Subdivision (1) and adding Subdivisions (1-a), (2-a), (3-a), and (3-b) to read as follows:

(1) "Camper" means a minor who is attending:

(A) a youth camp on a day care or boarding basis;

or

(B) a campus program for minors.

(1-a) "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 five 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, a youth camp, or a facility

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

3 (2-a) "Institution of higher education" has the  
4 meaning assigned by Section 61.003, Education Code.

5 (3-a) "Private or independent institution of higher  
6 education" has the meaning assigned by Section 61.003, Education  
7 Code.

8 (3-b) "Program operator" means a person who owns,  
9 operates, or supervises a campus program for minors, regardless of  
10 profit.

11 SECTION 2. Section 141.0021, Health and Safety Code, is  
12 amended to read as follows:

13 Sec. 141.0021. EXEMPTION. Except as provided by Section  
14 141.00951, this [~~This~~] chapter does not apply to a facility or  
15 program operated by or on the campus of an institution of higher  
16 education or a private or independent institution of higher  
17 education [~~as those terms are defined by Section 61.003, Education~~  
18 ~~Code,~~] that is regularly inspected by one or more local  
19 governmental entities for compliance with health and safety  
20 standards.

21 SECTION 3. The heading to Section 141.0095, Health and  
22 Safety Code, is amended to read as follows:

23 Sec. 141.0095. YOUTH CAMP: TRAINING AND EXAMINATION  
24 PROGRAM.

25 SECTION 4. Section 141.0095(g), Health and Safety Code, is  
26 amended to read as follows:

27 (g) The department at least every five years shall review

1 each training and examination program on sexual abuse and child  
2 molestation approved by the department under this section to ensure  
3 the program continues to meet the criteria and guidelines  
4 established by rule under this section.

5 SECTION 5. Chapter 141, Health and Safety Code, is amended  
6 by adding Section 141.00951 to read as follows:

7 Sec. 141.00951. CAMPUS PROGRAM FOR MINORS: TRAINING AND  
8 EXAMINATION PROGRAM. (a) A program operator may not employ or  
9 accept the volunteer service of an individual in a position  
10 involving contact with campers at a campus program for minors  
11 unless:

12 (1) the individual submits to the program operator or  
13 the campus program for minors has on file documentation that  
14 verifies the individual within the preceding two years successfully  
15 completed the training and examination program required by this  
16 section; or

17 (2) the individual successfully completes the campus  
18 program for minors training and examination program, which must be  
19 approved by the department as required by this section, during the  
20 individual's first workweek and the campus program for minors  
21 issues and files documentation verifying successful completion.

22 (b) A program operator must:

23 (1) submit to the department:

24 (A) on the form and within the time prescribed by  
25 the department verification that each employee or volunteer of the  
26 campus program for minors has complied with the requirements of  
27 this section; and

1           (B) the fee assessed by the department under  
2 Subsection (e); and

3           (2) retain in the operator's records a copy of the  
4 documentation required or issued under Subsection (a) for each  
5 employee or volunteer until the second anniversary of the  
6 examination date.

7           (c) A person applying for or holding an employee or  
8 volunteer position involving contact with campers at a campus  
9 program for minors must successfully complete the training and  
10 examination program required by this section during the applicable  
11 period prescribed by Subsection (a).

12           (d) In accordance with this section, the executive  
13 commissioner of the Health and Human Services Commission by rule  
14 shall establish criteria and guidelines for the training and  
15 examination program required by this section. The training and  
16 examination program must include training and an examination on the  
17 topics listed in Section 141.0095(e). The department may approve  
18 training and examination programs offered by trainers under  
19 contract with campus programs for minors or by online training  
20 organizations or may approve programs offered in another format  
21 authorized by the department.

22           (e) The department may assess a fee in the amount necessary  
23 to cover the costs of administering this section to:

24           (1) each person that applies for the department's  
25 approval of a training and examination program under this section;  
26 and

27           (2) each program operator who files with the

1 department the verification form required under Subsection  
2 (b)(1)(A).

3 (f) The department at least every five years shall review  
4 each training and examination program approved by the department  
5 under this section to ensure the program continues to meet the  
6 criteria and guidelines established by rule under this section.

7 (g) The department may investigate a person the department  
8 suspects of violating this section or a rule adopted under this  
9 section. A person who violates this section is subject to the  
10 enforcement provisions of Section 141.015.

11 SECTION 6. (a) Not later than December 1, 2011, the  
12 executive commissioner of the Health and Human Services Commission  
13 by rule shall establish criteria and guidelines for the training  
14 and examination program on sexual abuse and child molestation  
15 required by Section 141.00951, Health and Safety Code, as added by  
16 this Act.

17 (b) Notwithstanding Section 141.00951, Health and Safety  
18 Code, as added by this Act, a campus program for minors or an  
19 individual employed by or volunteering at a campus program for  
20 minors is not required to comply with Section 141.00951, Health and  
21 Safety Code, as added by this Act, before June 1, 2012.

22 SECTION 7. This Act takes effect September 1, 2011.