

By: Dukes

H.B. No. 443

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the liability of certain public and private
3 institutions of higher education for failure by an administrator to
4 report child abuse or neglect; creating a civil penalty.

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

6 SECTION 1. Subchapter B, Chapter 261, Family Code, is
7 amended by adding Section 261.1011 to read as follows:

8 Sec. 261.1011. CERTAIN INSTITUTIONS OF HIGHER EDUCATION
9 REQUIRED TO REPORT; CIVIL PENALTY. (a) In this section, "general
10 academic teaching institution" and "private or independent
11 institution of higher education" have the meanings assigned by
12 Section 61.003, Education Code.

13 (b) An administrator of a general academic teaching
14 institution or of a private or independent institution of higher
15 education in this state who receives information from a faculty or
16 staff member of the institution that a child's physical or mental
17 health or welfare was adversely affected by abuse or neglect by any
18 person while the child was on the property of the institution or
19 during an event sponsored by the institution shall immediately make
20 a report in the manner provided by this subchapter.

21 (c) A general academic teaching institution or private or
22 independent institution of higher education in this state is liable
23 to the state for a civil penalty of \$1 million if an administrator
24 fails to report abuse or neglect as described by Subsection (b).

1 (d) The attorney general may bring an action to collect the
2 civil penalty described by Subsection (c).

3 (e) This section does not:

4 (1) create personal liability or criminal
5 responsibility for an administrator of a general academic teaching
6 institution or of a private or independent institution of higher
7 education who fails to report child abuse or neglect; or

8 (2) limit or alter any personal liability or criminal
9 responsibility of the administrator for failure to report under any
10 other law.

11 SECTION 2. The change in law made by this Act applies only
12 to an administrator who receives information about suspected child
13 abuse or neglect on or after the effective date of this Act. An
14 administrator who receives information about suspected child abuse
15 or neglect before the effective date of this Act is governed by the
16 law in effect when the information was received, and the former law
17 is continued in effect for that purpose.

18 SECTION 3. This Act takes effect September 1, 2013.