

By: Gonzales

H.B. No. 3197

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the prosecution of and conduct prohibited by the  
3 offense of improper 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:

9 (1) engages in sexual contact, sexual intercourse, or  
10 deviate sexual intercourse with a person who is enrolled in a public  
11 or private primary or secondary school at which the employee works;

12 (2) holds a certificate or permit issued as provided  
13 by Subchapter B, Chapter 21, Education Code, or is a person who is  
14 required to be licensed by a state agency as provided by Section  
15 21.003(b), Education Code, and engages in sexual contact, sexual  
16 intercourse, or deviate sexual intercourse with a person the  
17 employee knows is:

18 (A) enrolled in a public or private primary or  
19 secondary school in the same school district as the school at which  
20 the employee works; or

21 (B) a student participant in an educational  
22 activity that is sponsored by a school district or a public or  
23 private primary or secondary school, if:

24 (i) students enrolled in a public or

1 private primary or secondary school are the primary participants in  
2 the activity;~~and~~

3 ~~[(ii) the employee provides education~~  
4 ~~services to those participants]; or~~

5 (3) engages in conduct described by Section 33.021,  
6 with a person described by Subdivision (1), or a person the employee  
7 knows is a person described by Subdivision (2)(A) or (B),  
8 regardless of the age of that person.

9 SECTION 2. The change in law made by this Act applies only  
10 to an offense committed on or after the effective date of this Act.  
11 An offense committed before the effective date of this Act is  
12 governed by the law in effect on the date the offense was committed,  
13 and the former law is continued in effect for that purpose. For  
14 purposes of this section, an offense was committed before the  
15 effective date of this Act if any element of the offense was  
16 committed before that date.

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