

By: Moody

H.B. No. 1783

A BILL TO BE ENTITLED

AN ACT

relating to the right of a school employee to report a crime and persons subject to the prohibition on coercing another into suppressing or failing to report information to a law enforcement agency; creating a criminal offense.

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

SECTION 1. Section 12.104(b), Education Code, is amended to read as follows:

(b) An open-enrollment charter school is subject to:

(1) a provision of this title establishing a criminal offense; and

(2) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B) criminal history records under Subchapter C, Chapter 22;

(C) reading instruments and accelerated reading instruction programs under Section 28.006;

(D) accelerated instruction under Section 28.0211;

(E) high school graduation requirements under

Section 28.025;

(F) special education programs under Subchapter A, Chapter 29;

(G) bilingual education under Subchapter B, Chapter 29;

(H) prekindergarten programs under Subchapter E, Chapter 29;

(I) extracurricular activities under Section 33.081;

(J) discipline management practices or behavior management techniques under Section 37.0021;

(K) health and safety under Chapter 38;

(L) public school accountability under Subchapters B, C, D, E, F, G, and J, Chapter 39;

(M) the requirement under Section 21.006 to report an educator's misconduct; ~~and~~

(N) intensive programs of instruction under Section 28.0213; and

(O) the right of a school employee to report a crime, as provided by Section 37.148.

SECTION 2. Subchapter E-1, Chapter 37, Education Code, is amended by adding Section 37.148 to read as follows:

Sec. 37.148. RIGHT TO REPORT CRIME. (a) An employee of a school district or open-enrollment charter school may report a crime witnessed at the school to any peace officer with authority to investigate the crime.

(b) A school district or open-enrollment charter school may

1 not adopt a policy requiring a school employee to:

2 (1) refrain from reporting a crime witnessed at the
3 school; or

4 (2) report a crime witnessed at the school only to
5 certain persons or peace officers.

6 SECTION 3. Section 39.06(a), Penal Code, is amended to read
7 as follows:

8 (a) A public servant commits an offense if, in reliance on
9 information to which the public servant ~~[he]~~ has access by virtue of
10 the person's ~~[his]~~ office or employment and that has not been made
11 public, the person ~~[he]~~:

12 (1) acquires or aids another to acquire a pecuniary
13 interest in any property, transaction, or enterprise that may be
14 affected by the information;

15 (2) speculates or aids another to speculate on the
16 basis of the information; or

17 (3) as a public servant, including as a ~~[principal of~~
18 ~~a]~~ school administrator, coerces another into suppressing or
19 failing to report that information to a law enforcement agency.

20 SECTION 4. The change in law made by this Act to Section
21 39.06, Penal Code, applies to an offense committed on or after the
22 effective date of this Act. An offense committed before the
23 effective date of this Act is governed by the law in effect on the
24 date the offense was committed, and the former law is continued in
25 effect for that purpose. For purposes of this section, an offense
26 was committed before the effective date of this Act if any element
27 of the offense occurred before that date.

1 SECTION 5. This Act takes effect September 1, 2015.