

1-1 By: Moody, Dale, Minjarez H.B. No. 1783  
 1-2 (Senate Sponsor - Menéndez)  
 1-3 (In the Senate - Received from the House May 13, 2015;  
 1-4 May 14, 2015, read first time and referred to Committee on Criminal  
 1-5 Justice; May 22, 2015, reported favorably by the following vote:  
 1-6 Yeas 6, Nays 0; May 22, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10			X	
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 A BILL TO BE ENTITLED  
 1-17 AN ACT

1-18 relating to the right of a school employee to report a crime and  
 1-19 persons subject to the prohibition on coercing another into  
 1-20 suppressing or failing to report information to a law enforcement  
 1-21 agency; creating a criminal offense.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 12.104(b), Education Code, is amended to  
 1-24 read as follows:

1-25 (b) An open-enrollment charter school is subject to:

1-26 (1) a provision of this title establishing a criminal  
 1-27 offense; and

1-28 (2) a prohibition, restriction, or requirement, as  
 1-29 applicable, imposed by this title or a rule adopted under this  
 1-30 title, relating to:

1-31 (A) the Public Education Information Management  
 1-32 System (PEIMS) to the extent necessary to monitor compliance with  
 1-33 this subchapter as determined by the commissioner;

1-34 (B) criminal history records under Subchapter C,  
 1-35 Chapter 22;

1-36 (C) reading instruments and accelerated reading  
 1-37 instruction programs under Section 28.006;

1-38 (D) accelerated instruction under Section  
 1-39 28.0211;

1-40 (E) high school graduation requirements under  
 1-41 Section 28.025;

1-42 (F) special education programs under Subchapter  
 1-43 A, Chapter 29;

1-44 (G) bilingual education under Subchapter B,  
 1-45 Chapter 29;

1-46 (H) prekindergarten programs under Subchapter E,  
 1-47 Chapter 29;

1-48 (I) extracurricular activities under Section  
 1-49 33.081;

1-50 (J) discipline management practices or behavior  
 1-51 management techniques under Section 37.0021;

1-52 (K) health and safety under Chapter 38;

1-53 (L) public school accountability under  
 1-54 Subchapters B, C, D, E, F, G, and J, Chapter 39;

1-55 (M) the requirement under Section 21.006 to  
 1-56 report an educator's misconduct; ~~and~~

1-57 (N) intensive programs of instruction under  
 1-58 Section 28.0213; and

1-59 (O) the right of a school employee to report a  
 1-60 crime, as provided by Section 37.148.

1-61 SECTION 2. Subchapter E-1, Chapter 37, Education Code, is

2-1 amended by adding Section 37.148 to read as follows:

2-2 Sec. 37.148. RIGHT TO REPORT CRIME. (a) An employee of a  
2-3 school district or open-enrollment charter school may report a  
2-4 crime witnessed at the school to any peace officer with authority to  
2-5 investigate the crime.

2-6 (b) A school district or open-enrollment charter school may  
2-7 not adopt a policy requiring a school employee to:

2-8 (1) refrain from reporting a crime witnessed at the  
2-9 school; or

2-10 (2) report a crime witnessed at the school only to  
2-11 certain persons or peace officers.

2-12 SECTION 3. Section 39.06(a), Penal Code, is amended to read  
2-13 as follows:

2-14 (a) A public servant commits an offense if, in reliance on  
2-15 information to which the public servant [he] has access by virtue of  
2-16 the person's [his] office or employment and that has not been made  
2-17 public, the person [he]:

2-18 (1) acquires or aids another to acquire a pecuniary  
2-19 interest in any property, transaction, or enterprise that may be  
2-20 affected by the information;

2-21 (2) speculates or aids another to speculate on the  
2-22 basis of the information; or

2-23 (3) as a public servant, including as a [principal of  
2-24 a] school administrator, coerces another into suppressing or  
2-25 failing to report that information to a law enforcement agency.

2-26 SECTION 4. The change in law made by this Act to Section  
2-27 39.06, Penal Code, applies to an offense committed on or after the  
2-28 effective date of this Act. An offense committed before the  
2-29 effective date of this Act is governed by the law in effect on the  
2-30 date the offense was committed, and the former law is continued in  
2-31 effect for that purpose. For purposes of this section, an offense  
2-32 was committed before the effective date of this Act if any element  
2-33 of the offense occurred before that date.

2-34 SECTION 5. This Act takes effect September 1, 2015.

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