

1-1 By: Zaffirini S.B. No. 33
 1-2 (In the Senate - Filed November 10, 2014; January 26, 2015,
 1-3 read first time and referred to Committee on Criminal Justice;
 1-4 April 8, 2015, reported favorably by the following vote: Yeas 6,
 1-5 Nays 0; April 8, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Whitmire	X			
1-8 Huffman	X			
1-9 Burton	X			
1-10 Creighton	X			
1-11 Hinojosa	X			
1-12 Menéndez			X	
1-13 Perry	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the offense of hazing.
 1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-19 SECTION 1. Section 37.151(6), Education Code, is amended to
 1-20 read as follows:
 1-21 (6) "Hazing" means any intentional, knowing, or
 1-22 reckless act, occurring on or off the campus of an educational
 1-23 institution, by one person alone or acting with others, directed
 1-24 against a student~~[, that endangers the mental or physical health or~~
 1-25 ~~safety of a student]~~ for the purpose of pledging, being initiated
 1-26 into, affiliating with, holding office in, or maintaining
 1-27 membership in an organization if the act:
 1-28 (A) ~~is [The term includes:~~
 1-29 ~~[(A)]~~ any type of physical brutality, such as
 1-30 whipping, beating, striking, branding, electronic shocking,
 1-31 placing of a harmful substance on the body, or similar activity;
 1-32 (B) ~~involves [any type of physical activity, such~~
 1-33 ~~as]~~ sleep deprivation, exposure to the elements, confinement in a
 1-34 small space, calisthenics, or other similar activity that subjects
 1-35 the student to an unreasonable risk of harm or that adversely
 1-36 affects the mental or physical health or safety of the student;
 1-37 (C) ~~involves [any activity involving]~~
 1-38 consumption of a food, liquid, alcoholic beverage, liquor, drug, or
 1-39 other substance, other than as described by Paragraph (F), that
 1-40 subjects the student to an unreasonable risk of harm or that
 1-41 adversely affects the mental or physical health or safety of the
 1-42 student;
 1-43 (D) is any activity that:
 1-44 (i) a reasonable person would believe
 1-45 intimidates or threatens the student with ostracism, [that]
 1-46 subjects the student to extreme mental stress, shame, or
 1-47 humiliation, [that] adversely affects the mental health or dignity
 1-48 of the student, or discourages the student from entering or
 1-49 remaining registered in an educational institution; [7] or
 1-50 (ii) ~~[that]~~ may reasonably be expected to
 1-51 cause the [a] student to leave the organization or the institution
 1-52 rather than submit to the activity [acts described in this
 1-53 subdivision]; [and]
 1-54 (E) is any activity that induces, causes, or
 1-55 requires the student to perform a duty or task that involves a
 1-56 violation of a state or federal penal law or a penal ordinance of a
 1-57 political subdivision; or
 1-58 (F) involves coercing, as defined by Section
 1-59 1.07, Penal Code, the student to consume an alcoholic beverage,
 1-60 liquor, or drug or creates an environment in which the student
 1-61 reasonably feels coerced to consume any of those substances [the

2-1 ~~Penal Code~~].

2-2 SECTION 2. Section 37.155, Education Code, is amended to
2-3 read as follows:

2-4 Sec. 37.155. IMMUNITY FROM PROSECUTION OR CIVIL LIABILITY
2-5 AVAILABLE. (a) In the prosecution of an offense under this
2-6 subchapter, the court may grant immunity from prosecution for the
2-7 offense to each person who is subpoenaed to testify for the
2-8 prosecution and who does testify for the prosecution.

2-9 (b) Any person who voluntarily reports ~~[reporting]~~ a
2-10 specific hazing incident involving a student in an educational
2-11 institution to the dean of students or other appropriate official
2-12 of the institution is immune from civil or criminal liability that
2-13 might otherwise be incurred or imposed as a result of the reported
2-14 hazing incident if the person:

2-15 (1) reports the incident before being contacted by the
2-16 institution concerning the incident or otherwise being included in
2-17 the institution's investigation of the incident; and

2-18 (2) as determined by the dean of students or other
2-19 appropriate official of the institution designated by the
2-20 institution, cooperates in good faith throughout any institutional
2-21 process regarding the incident ~~[report]~~.

2-22 (c) Immunity under Subsection (b) extends to participation
2-23 in any judicial proceeding resulting from the report.

2-24 (d) A person is not immune under Subsection (b) if the
2-25 person:

2-26 (1) reports the person's own act of hazing; or

2-27 (2) reports an incident of hazing ~~[reporting]~~ in bad
2-28 faith or with malice ~~[is not protected by this section]~~.

2-29 SECTION 3. Subchapter F, Chapter 37, Education Code, is
2-30 amended by adding Section 37.158 to read as follows:

2-31 Sec. 37.158. VENUE. (a) In this section, "prosecuting
2-32 attorney" means a county attorney, district attorney, or criminal
2-33 district attorney.

2-34 (b) An offense under this subchapter may be prosecuted:

2-35 (1) in any county in which the offense may be
2-36 prosecuted under other law; or

2-37 (2) if the consent required by Subsection (c) is
2-38 provided, in a county, other than a county described by Subdivision
2-39 (1), in which is located the educational institution campus at
2-40 which a victim of the offense is enrolled.

2-41 (c) An offense under this subchapter may be prosecuted in a
2-42 county described by Subsection (b)(2) only with the written consent
2-43 of a prosecuting attorney of a county described by Subsection
2-44 (b)(1) who has authority to prosecute an offense under this
2-45 subchapter.

2-46 SECTION 4. Section 51.936(c), Education Code, is amended to
2-47 read as follows:

2-48 (c) Not later than the 21st day of each semester, each
2-49 ~~[Each]~~ postsecondary educational institution shall distribute to
2-50 each student enrolled at the institution ~~[during the first three~~
2-51 ~~weeks of each semester]~~:

2-52 (1) a summary of the provisions of Subchapter F,
2-53 Chapter 37; and

2-54 (2) a list of organizations that have been disciplined
2-55 for hazing or convicted for hazing on or off the campus of the
2-56 institution during the preceding three years.

2-57 SECTION 5. The change in law made by this Act applies only
2-58 to an offense committed on or after the effective date of this Act.
2-59 An offense committed before the effective date of this Act is
2-60 governed by the law in effect when the offense was committed, and
2-61 the former law is continued in effect for that purpose. For
2-62 purposes of this section, an offense was committed before the
2-63 effective date of this Act if any element of the offense was
2-64 committed before that date.

2-65 SECTION 6. Section 37.155, Education Code, as amended by
2-66 this Act, applies only to a civil cause of action that accrues on or
2-67 after the effective date of this Act. An action that accrued before
2-68 the effective date of this Act is governed by the law in effect at
2-69 the time the action accrued, and that law is continued in effect for

3-1 that purpose.

3-2 SECTION 7. This Act takes effect September 1, 2015.

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