

By: Blanco, Neave, Arévalo

H.B. No. 3039

Substitute the following for H.B. No. 3039:

By: Gutierrez

C.S.H.B. No. 3039

A BILL TO BE ENTITLED

AN ACT

relating to the reporting and prosecution of sexual assault, sexual harassment, and sexual misconduct by a member of the state military forces; creating a criminal offense.

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

SECTION 1. This Act shall be known as the Texas Military Justice and Protection Act.

SECTION 2. Subchapter J, Chapter 432, Government Code, is amended by adding Section 432.1211 to read as follows:

Sec. 432.1211. REPORT OF SEXUAL ASSAULT OR SEXUAL HARASSMENT. A person subject to this chapter may not be held for trial by court-martial or punished under this chapter for an offense based solely on the person's conduct of filing a report as a victim of or witness to an incident of sexual assault, sexual harassment, including online sexual harassment, or other sexual misconduct unless the person knows the report is false or baseless.

SECTION 3. Subchapter J, Chapter 432, Government Code, is amended by adding Section 432.168 to read as follows:

Sec. 432.168. RETALIATION AND SUPPRESSION. A person subject to this chapter who violates Section 437.233 shall be punished as a court-martial directs.

SECTION 4. Subchapter E, Chapter 437, Government Code, is amended by adding Section 437.233 to read as follows:

Sec. 437.233. CERTAIN RETALIATION AND SUPPRESSION

1 PROHIBITED; OFFENSE. (a) A person may not take or threaten to take  
2 an unfavorable personnel action or withhold or threaten to withhold  
3 a favorable personnel action to:

4 (1) prevent a member of the state military forces from  
5 communicating with the department, the office of the governor, the  
6 office of the attorney general, a member of the legislature, or a  
7 law enforcement agency regarding an allegation of sexual assault,  
8 sexual harassment, including online sexual harassment, or other  
9 sexual misconduct; or

10 (2) retaliate against a member of the state military  
11 forces for reporting or planning to report an allegation of sexual  
12 assault, sexual harassment, including online sexual harassment, or  
13 other sexual misconduct.

14 (b) A person commits an offense if the person violates  
15 Subsection (a). An offense under this subsection is a Class A  
16 misdemeanor.

17 SECTION 5. Section 432.1211, Government Code, as added by  
18 this Act, applies to an offense under Chapter 432, Government Code,  
19 committed before, on, or after the effective date of this Act,  
20 except that a final conviction for an offense under Chapter 432,  
21 Government Code, that exists on the effective date of this Act is  
22 unaffected by this Act.

23 SECTION 6. This Act takes effect immediately if it receives  
24 a vote of two-thirds of all the members elected to each house, as  
25 provided by Section 39, Article III, Texas Constitution. If this  
26 Act does not receive the vote necessary for immediate effect, this  
27 Act takes effect September 1, 2017.