

By: Garcia

S.B. No. 962

A BILL TO BE ENTITLED

AN ACT

relating to requiring public institutions of higher education to develop and establish an online reporting system for sex offenses.

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

SECTION 1. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9365 to read as follows:

Sec. 51.9365. ONLINE REPORTING SYSTEM FOR SEX OFFENSES.

(a) In this section:

(1) "Institution of higher education" has the meaning assigned by Section 61.003.

(2) "Sex offense" means a sex offense that an institution of higher education is required to report under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. Section 1092(f)).

(b) Each institution of higher education shall develop and establish or contract with a third party to develop and establish an online reporting system through which a student enrolled at the institution may report to the institution an allegation of a sex offense committed against or witnessed by the student if:

(1) the perpetrator of the alleged sex offense is a student enrolled at or an employee of the institution; or

(2) the alleged sex offense occurred:

(A) on the institution's campus or any other property owned by or under the control of the institution, or in

1 close proximity to the campus or property; or

2 (B) during any event or activity sponsored or
3 sanctioned by the institution.

4 (c) The online reporting system must enable a student to
5 choose one or more of the following options:

6 (1) to report the alleged sex offense to the
7 institution;

8 (2) to electronically record a statement of the
9 alleged sex offense, including in the form of a photograph, video,
10 voice recording, or similar medium that contains information
11 relating to the alleged sex offense, or an addendum to the
12 statement, that:

13 (A) includes an electronic stamp of the time and
14 date the statement or addendum was made;

15 (B) may not be edited or otherwise altered; and

16 (C) may be submitted to the institution by the
17 student at a time chosen by the student;

18 (3) to submit the student's report of the alleged sex
19 offense to the institution, but only if:

20 (A) another student enrolled at the institution
21 reports to the institution through the system an allegation of a sex
22 offense committed by the same perpetrator; and

23 (B) both students identify the alleged
24 perpetrator through the system by a student or employee
25 identification number or e-mail address issued by the institution
26 or a similar form of identification selected for that purpose by the
27 institution;

1 (4) to access at any time any information entered into
2 the system by the student; and

3 (5) to remain anonymous.

4 (d) Each institution of higher education shall ensure that
5 information contained in the online reporting system is encrypted
6 using zero-knowledge encryption.

7 (e) An institution of higher education shall initiate an
8 investigation into a report submitted to the institution through
9 the online reporting system as soon as practicable after receiving
10 the report.

11 (f) A protocol for reporting sexual assault adopted under
12 Section 51.9363 must comply with this section.

13 (g) The Texas Higher Education Coordinating Board shall
14 adopt rules as necessary to implement this section in a manner that
15 complies with federal law regarding confidentiality of student
16 educational information, including the Family Educational Rights
17 and Privacy Act of 1974 (20 U.S.C. Section 1232g).

18 SECTION 2. Not later than January 1, 2018, each public
19 institution of higher education shall develop and establish the
20 online reporting system required under Section 51.9365, Education
21 Code, as added by this Act.

22 SECTION 3. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2017.