

## **BILL ANALYSIS**

Senate Research Center

H.B. 4345  
By: Sanford et al. (Huffman)  
State Affairs  
5/14/2019  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Concerns have been raised over the lack of specific protections for charitable organizations and their employees and volunteers for disclosing allegations of sexual misconduct against another employee or volunteer of that charitable organization. H.B. 4345 seeks to address these concerns and encourage reporting of sexual misconduct by providing for immunity from civil liability for such disclosure.

H.B. 4345 amends current law relating to liability for disclosing certain information regarding sexual misconduct by an employee, volunteer, or independent contractor of a charitable organization.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 84, Civil Practice and Remedies Code, by adding Section 84.0066, as follows:

Sec. 84.0066. LIABILITY FOR DISCLOSING SEXUAL MISCONDUCT. (a) Provides that a charitable organization, or an employee, volunteer, or independent contractor of a charitable organization, acting in good faith, is immune from civil liability for any act to disclose to an individual's current or prospective employer information reasonably believed to be true about an allegation that an individual who was employed by or served as a volunteer or independent contractor for the charitable organization or its associated charitable organizations:

- (1) engaged in sexual misconduct;
- (2) sexually abused another individual;
- (3) sexually harassed another individual; or
- (4) committed an offense under any of the following provisions of the Penal Code:
  - (A) Section 20A.02(a)(3), (4), (7), or (8) (sex trafficking of persons);
  - (B) Section 20A.03 (Continuous Trafficking of Persons), if based partly or wholly on conduct that constitutes an offense under Section 20A.02(a)(3), (4), (7), or (8);
  - (C) Section 22.011 (Sexual Assault) or 22.021 (Aggravated Sexual Assault); or

(D) Chapter 21 (Sexual Offenses) or 43 (Public Indecency).

(b) Provides that immunity from civil liability under Subsection (a) applies in relation to an allegation described by that subsection that was required to have been reported as abuse under Chapter 261 (Investigation of Report of Child Abuse or Neglect), Family Code, only if the allegation has been, at the time of the act to disclose, previously reported to an appropriate agency under Section 261.103 (Report Made to Appropriate Agency), Family Code.

(c) Provides that an individual is not immune under this section from civil or criminal liability for:

(1) disclosing the individual's own conduct that constitutes:

(A) sexual misconduct;

(B) sexual abuse of another individual;

(C) sexual harassment of another individual; or

(D) an offense under any of the following provisions of the Penal Code:

(i) Section 20A.02(a)(3), (4), (7), or (8) (sex trafficking of persons);

(ii) Section 20A.03 (Continuous Trafficking of Persons), if based partly or wholly on conduct that constitutes an offense under Section 20A.02(a)(3), (4), (7), or (8);

(iii) Section 22.011 (Sexual Assault) or 22.021 (Aggravated Sexual Assault); or

(iv) Chapter 21 (Sexual Offenses) or 43 (Public Indecency);  
or

(2) acting in bad faith or with a malicious purpose in making a disclosure described by Subsection (a).

SECTION 2. Makes application of Section 84.0066, Civil Practice and Remedies Code, as added by this Act, prospective.

SECTION 3. Effective date: upon passage or September 1, 2019.