

BILL ANALYSIS

C.S.H.B. 4345
By: Sanford
Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

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. C.S.H.B. 4345 seeks to address these concerns and encourage reporting of sexual misconduct by providing for immunity from civil liability for such disclosure.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 4345 amends the Civil Practice and Remedies Code to grant immunity from civil liability to a charitable organization or an employee or volunteer of the organization who acts in good faith for any act to disclose to an individual's current or prospective employer information reasonably believed to be true about allegations that the individual, while employed by or serving as a volunteer of the charitable organization:

- engaged in sexual misconduct;
- sexually abused another individual;
- sexually harassed another individual; or
- otherwise committed a sexual offense or an offense of public indecency.

C.S.H.B. 4345 excludes an individual who reports the individual's own such conduct or who acts in bad faith or with malicious purpose in making a disclosure under the bill's provisions from immunity with regard to civil or criminal liability.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 4345 differs from the original in minor or nonsubstantive ways by conforming to certain bill drafting conventions.