86R19524 LED-F

By:  Sanford, Krause, Flynn, Gervin-Hawkins, H.B. No. 4345

     et al.

Substitute the following for H.B. No. 4345:

By:  Krause C.S.H.B. No. 4345

A BILL TO BE ENTITLED

AN ACT

relating to liability for disclosing certain information regarding sexual misconduct by an employee or volunteer of a charitable organization.

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

SECTION 1.  Chapter 84, Civil Practice and Remedies Code, is amended by adding Section 84.0066 to read as follows:

Sec. 84.0066.  LIABILITY FOR DISCLOSING SEXUAL MISCONDUCT. (a) A charitable organization, or an employee or volunteer 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 allegations that the individual, while employed by or serving as a volunteer of the charitable organization:

(1)  engaged in sexual misconduct;

(2)  sexually abused another individual;

(3)  sexually harassed another individual; or

(4)  otherwise committed an offense under Chapter 21 or 43, Penal Code.

(b)  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 Chapter 21 or 43, Penal Code; or

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

SECTION 2.  Section 84.0066, Civil Practice and Remedies Code, as added by this Act, does not apply to a cause of action that accrued before the effective date of this Act. A cause of action that accrued before the effective date of this Act is governed by the law applicable to the cause of action immediately before that date, and the former law is continued in effect for that purpose.

SECTION 3.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.