

By: Lozano

H.B. No. 1482

Substitute the following for H.B. No. 1482:

By: Pacheco

C.S.H.B. No. 1482

A BILL TO BE ENTITLED

AN ACT

relating to the offense of hazing.

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

SECTION 1. Section 37.151(6), Education Code, is amended to read as follows:

(6) "Hazing" means any intentional, knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a student~~[, that endangers the mental or physical health or safety of a student]~~ for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in an organization if the act:

(A) is~~[. The term includes:~~

~~[(A)]~~ any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity;

(B) involves ~~[any type of physical activity, such as]~~ sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other similar activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;

(C) involves ~~[any activity involving]~~ consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance, other than as described by Paragraph (F), that

1 subjects the student to an unreasonable risk of harm or that
2 adversely affects the mental or physical health or safety of the
3 student;

4 (D) is any activity that:

5 (i) a reasonable person would believe
6 intimidates or threatens the student with ostracism, ~~[that]~~
7 subjects the student to extreme mental stress, shame, or
8 humiliation, ~~[that]~~ adversely affects the mental health or dignity
9 of the student, or discourages the student from entering or
10 remaining registered in an educational institution; ~~[7]~~ or

11 (ii) ~~[that]~~ may reasonably be expected to
12 cause the ~~[a]~~ student to leave the organization or the institution
13 rather than submit to the activity ~~[acts described in this~~
14 ~~subdivision]~~; ~~[and]~~

15 (E) is any activity that induces, causes, or
16 requires the student to perform a duty or task that involves a
17 violation of the Penal Code; or

18 (F) involves coercing, as defined by Section
19 1.07, Penal Code, the student to consume an alcoholic beverage,
20 liquor, or drug.

21 SECTION 2. Section 37.152(a), Education Code, is amended to
22 read as follows:

23 (a) A person commits an offense if the person:

24 (1) engages in hazing;

25 (2) solicits, encourages, directs, aids, or attempts
26 to aid another in engaging in hazing;

27 (3) recklessly permits hazing to occur; ~~[or]~~

1 (4) has firsthand knowledge of the planning of a
2 specific hazing incident involving a student in an educational
3 institution, or has firsthand knowledge that a specific hazing
4 incident has occurred, and knowingly fails to report that knowledge
5 in writing to the dean of students or other appropriate official of
6 the institution; or

7 (5) with the intent to prevent another person from
8 documenting or reporting a hazing incident:

9 (A) disables or takes the other person's
10 telephone or other electronic communication device;

11 (B) requires the other person to relinquish
12 possession of the other person's telephone or other electronic
13 communication device; or

14 (C) denies the other person access to a telephone
15 or other electronic communication device.

16 SECTION 3. Section 37.155, Education Code, is amended to
17 read as follows:

18 Sec. 37.155. IMMUNITY FROM PROSECUTION OR CIVIL LIABILITY
19 AVAILABLE. (a) In the prosecution of an offense under this
20 subchapter, the court may grant immunity from prosecution for the
21 offense to each person who is subpoenaed to testify for the
22 prosecution and who does testify for the prosecution.

23 (b) Any person who voluntarily reports [~~reporting~~]
24 specific hazing incident involving a student in an educational
25 institution to the dean of students or other appropriate official
26 of the institution is immune from civil or criminal liability that
27 might otherwise be incurred or imposed as a result of the reported

1 hazing incident if the person:

2 (1) reports the incident before being contacted by the
3 institution concerning the incident or otherwise being included in
4 the institution's investigation of the incident; and

5 (2) as determined by the dean of students or other
6 appropriate official of the institution designated by the
7 institution, cooperates in good faith throughout any institutional
8 process regarding the incident ~~[report]~~.

9 (c) Immunity under Subsection (b) extends to participation
10 in any judicial proceeding resulting from the report.

11 (d) A person is not immune under Subsection (b) if the
12 person:

13 (1) reports the person's own act of hazing; or

14 (2) reports an incident of hazing ~~[reporting]~~ in bad
15 faith or with malice ~~[is not protected by this section]~~.

16 SECTION 4. Subchapter F, Chapter 37, Education Code, is
17 amended by adding Section 37.158 to read as follows:

18 Sec. 37.158. VENUE. (a) In this section, "prosecuting
19 attorney" means a county attorney, district attorney, or criminal
20 district attorney.

21 (b) An offense under this subchapter may be prosecuted:

22 (1) in any county in which the offense may be
23 prosecuted under other law; or

24 (2) if the consent required by Subsection (c) is
25 provided, in a county, other than a county described by Subdivision
26 (1), in which is located the educational institution campus at
27 which a victim of the offense is enrolled.

1 (c) An offense under this subchapter may be prosecuted in a
2 county described by Subsection (b)(2) only with the written consent
3 of a prosecuting attorney of a county described by Subsection
4 (b)(1) who has authority to prosecute an offense under this
5 subchapter.

6 SECTION 5. Section 51.936, Education Code, is amended by
7 amending Subsection (c) and adding Subsections (c-1) and (c-2) to
8 read as follows:

9 (c) Not later than the 14th day before the first class day of
10 each fall or spring semester, each ~~Each~~ postsecondary educational
11 institution shall distribute to each student enrolled at the
12 institution ~~[during the first three weeks of each semester]:~~

13 (1) a summary of the provisions of Subchapter F,
14 Chapter 37; and

15 (2) a copy of, or an electronic link to a copy of, the
16 report required under Subsection (c-1) ~~[list of organizations that~~
17 ~~have been disciplined for hazing or convicted for hazing on or off~~
18 ~~the campus of the institution during the preceding three years]~~.

19 (c-1) Each postsecondary educational institution shall
20 develop and post in a prominent location on the institution's
21 Internet website a report on hazing committed on or off campus by an
22 organization registered with or recognized by the institution. The
23 report:

24 (1) must include information regarding each
25 disciplinary action taken by the institution against an
26 organization for hazing, and each conviction of hazing under
27 Section 37.153 by an organization, during the three years preceding

1 the date on which the report is issued or updated, including:

2 (A) the name of the organization disciplined or
3 convicted;

4 (B) the date on which the incident occurred or
5 the citation was issued, if applicable;

6 (C) the date on which the institution's
7 investigation into the incident, if any, was initiated;

8 (D) a general description of:

9 (i) the incident;

10 (ii) the violations of the institution's
11 code of conduct or the criminal charges, as applicable;

12 (iii) the findings of the institution or
13 court; and

14 (iv) any sanctions imposed by the
15 institution, or any fines imposed by the court, on the
16 organization; and

17 (E) the date on which the institution's
18 disciplinary process was resolved or on which the conviction became
19 final;

20 (2) must be updated to include information regarding
21 each disciplinary process or conviction not later than the 30th day
22 after the date on which the disciplinary process is resolved or the
23 conviction becomes final, as applicable; and

24 (3) may not include personally identifiable student
25 information and must comply with the Family Educational Rights and
26 Privacy Act of 1974 (20 U.S.C. Section 1232g).

27 (c-2) Each postsecondary educational institution shall

1 provide to each student who attends the institution's student
2 orientation a notice regarding the nature and availability of the
3 report required under Subsection (c-1), including the report's
4 Internet website address.

5 SECTION 6. The change in law made by this Act applies only
6 to an offense committed on or after the effective date of this Act.
7 An offense committed before the effective date of this Act is
8 governed by the law in effect when the offense was committed, and
9 the former law is continued in effect for that purpose. For
10 purposes of this section, an offense was committed before the
11 effective date of this Act if any element of the offense was
12 committed before that date.

13 SECTION 7. Section 37.155, Education Code, as amended by
14 this Act, applies only to a civil cause of action that accrues on or
15 after the effective date of this Act. An action that accrued before
16 the effective date of this Act is governed by the law in effect at
17 the time the action accrued, and that law is continued in effect for
18 that purpose.

19 SECTION 8. Section 51.936(c), Education Code, as amended by
20 this Act, and Section 51.936(c-2), Education Code, as added by this
21 Act, apply beginning with the 2020 spring semester.

22 SECTION 9. Not later than January 1, 2020, each
23 postsecondary educational institution shall develop and post on the
24 institution's Internet website the report required under Section
25 51.936(c-1), Education Code, as added by this Act.

26 SECTION 10. This Act takes effect September 1, 2019.