

By: Bowers

H.B. No. 3138

A BILL TO BE ENTITLED

AN ACT

relating to reporting of incidents of sexual harassment, sexual assault, dating violence, and stalking on state property.

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

SECTION 1. Subtitle B, Title 4, Government Code, is amended by adding Chapter 424 to read as follows:

CHAPTER 424. REPORTING OF SEXUAL HARASSMENT, SEXUAL ASSAULT, DATING VIOLENCE, AND STALKING ON STATE PROPERTY

Sec. 424.001. DEFINITIONS. In this chapter:

(1) "Dating violence" means abuse or violence, or a threat of abuse or violence, against a person with whom the actor has or has had a social relationship of a romantic or intimate nature.

(2) "Department" means the Department of Public Safety of the State of Texas.

(3) "Sexual assault" means sexual contact or intercourse with a person without the person's consent, including sexual contact or intercourse against the person's will or in a circumstance in which the person is incapable of consenting to the contact or intercourse.

(4) "Sexual harassment" means unwelcome, sex-based verbal or physical conduct that:

(A) in the employment context, unreasonably interferes with a person's work performance or creates an

1 intimidating, hostile, or offensive work environment; or

2 (B) in the education context, is sufficiently  
3 severe, persistent, or pervasive that the conduct interferes with a  
4 student's ability to participate in or benefit from educational  
5 programs or activities at a postsecondary educational institution.

6 (5) "Stalking" means a course of conduct directed at a  
7 person that would cause a reasonable person to fear for the person's  
8 safety or to suffer substantial emotional distress.

9 Sec. 424.002. ONLINE REPORTING SYSTEM. (a) The department  
10 shall develop and establish or contract with a third party to  
11 develop and establish an online reporting system through which a  
12 person may report to the department an allegation of sexual  
13 harassment, sexual assault, dating violence, or stalking committed  
14 against or witnessed by the person on property owned or rented by  
15 the state.

16 (b) The online reporting system must enable a person to  
17 report the alleged incident anonymously.

18 (c) The department shall maintain information from reports  
19 under Subsection (a) on the department's generally accessible  
20 Internet website. The information on the website must be  
21 searchable by location, governmental entity, and type of incident.

22 Sec. 424.003. RULES. The department shall adopt rules as  
23 necessary to implement and enforce this chapter.

24 SECTION 2. Not later than January 1, 2020, the Department of  
25 Public Safety of the State of Texas shall develop and establish the  
26 online reporting system required under Section 424.002, Government  
27 Code, as added by this Act.

1 SECTION 3. This Act takes effect September 1, 2019.