

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

A BILL TO BE ENTITLED

AN ACT

relating to liability for disclosing certain information regarding  
sexual misconduct by an employee, volunteer, or independent  
contractor 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, 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

1 persons), if based partly or wholly on conduct that constitutes an  
2 offense under Section 20A.02(a)(3), (4), (7), or (8);

3 (C) Section 22.011 (sexual assault) or 22.021  
4 (aggravated sexual assault); or

5 (D) Chapter 21 (sexual offenses) or 43 (public  
6 indecenty).

7 (b) Immunity from civil liability under Subsection (a)  
8 applies in relation to an allegation described by that subsection  
9 that was required to have been reported as abuse under Chapter 261,  
10 Family Code, only if the allegation has been, at the time of the act  
11 to disclose, previously reported to an appropriate agency under  
12 Section 261.103, Family Code.

13 (c) An individual is not immune under this section from  
14 civil or criminal liability for:

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

17 (A) sexual misconduct;

18 (B) sexual abuse of another individual;

19 (C) sexual harassment of another individual; or

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

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

24 (ii) Section 20A.03 (continuous  
25 trafficking of persons), if based partly or wholly on conduct that  
26 constitutes an offense under Section 20A.02(a)(3), (4), (7), or  
27 (8);

1                    (iii) Section 22.011 (sexual assault) or  
2 22.021 (aggravated sexual assault); or

3                    (iv) Chapter 21 (sexual offenses) or 43  
4 (public indecency); or

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

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

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