

By: Sanford, Krause, Flynn, Gervin-Hawkins,  
et al.

H.B. No. 4345

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

By: Krause

C.S.H.B. No. 4345

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to liability for disclosing certain information regarding  
3 sexual misconduct by an employee or volunteer of a charitable  
4 organization.

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

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

8 Sec. 84.0066. LIABILITY FOR DISCLOSING SEXUAL MISCONDUCT.

9 (a) A charitable organization, or an employee or volunteer of a  
10 charitable organization, acting in good faith is immune from civil  
11 liability for any act to disclose to an individual's current or  
12 prospective employer information reasonably believed to be true  
13 about allegations that the individual, while employed by or serving  
14 as a volunteer of the charitable organization:

15 (1) engaged in sexual misconduct;

16 (2) sexually abused another individual;

17 (3) sexually harassed another individual; or

18 (4) otherwise committed an offense under Chapter 21 or  
19 43, Penal Code.

20 (b) An individual is not immune under this section from  
21 civil or criminal liability for:

22 (1) disclosing the individual's own conduct that  
23 constitutes:

24 (A) sexual misconduct;

- 1                   (B) sexual abuse of another individual;  
2                   (C) sexual harassment of another individual; or  
3                   (D) an offense under Chapter 21 or 43, Penal  
4 Code; 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.