

1-1 By: Sanford, et al. (Senate Sponsor - Huffman) H.B. No. 4345
1-2 (In the Senate - Received from the House May 8, 2019;
1-3 May 10, 2019, read first time and referred to Committee on State
1-4 Affairs; May 16, 2019, reported favorably by the following vote:
1-5 Yeas 9, Nays 0; May 16, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Huffman	X		
1-9	Hughes	X		
1-10	Birdwell	X		
1-11	Creighton	X		
1-12	Fallon	X		
1-13	Hall	X		
1-14	Lucio	X		
1-15	Nelson	X		
1-16	Zaffirini	X		

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to liability for disclosing certain information regarding
1-20 sexual misconduct by an employee, volunteer, or independent
1-21 contractor of a charitable organization.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Chapter 84, Civil Practice and Remedies Code, is
1-24 amended by adding Section 84.0066 to read as follows:

1-25 Sec. 84.0066. LIABILITY FOR DISCLOSING SEXUAL MISCONDUCT.

1-26 (a) A charitable organization, or an employee, volunteer, or
1-27 independent contractor of a charitable organization, acting in good
1-28 faith, is immune from civil liability for any act to disclose to an
1-29 individual's current or prospective employer information
1-30 reasonably believed to be true about an allegation that an
1-31 individual who was employed by or served as a volunteer or
1-32 independent contractor for the charitable organization or its
1-33 associated charitable organizations:

1-34 (1) engaged in sexual misconduct;
1-35 (2) sexually abused another individual;
1-36 (3) sexually harassed another individual; or
1-37 (4) committed an offense under any of the following

1-38 provisions of the Penal Code:

1-39 (A) Section 20A.02(a)(3), (4), (7), or (8) (sex
1-40 trafficking of persons);

1-41 (B) Section 20A.03 (continuous trafficking of
1-42 persons), if based partly or wholly on conduct that constitutes an
1-43 offense under Section 20A.02(a)(3), (4), (7), or (8);

1-44 (C) Section 22.011 (sexual assault) or 22.021
1-45 (aggravated sexual assault); or

1-46 (D) Chapter 21 (sexual offenses) or 43 (public
1-47 indecenty).

1-48 (b) Immunity from civil liability under Subsection (a)
1-49 applies in relation to an allegation described by that subsection
1-50 that was required to have been reported as abuse under Chapter 261,
1-51 Family Code, only if the allegation has been, at the time of the act
1-52 to disclose, previously reported to an appropriate agency under
1-53 Section 261.103, Family Code.

1-54 (c) An individual is not immune under this section from
1-55 civil or criminal liability for:

1-56 (1) disclosing the individual's own conduct that
1-57 constitutes:

1-58 (A) sexual misconduct;

1-59 (B) sexual abuse of another individual;

1-60 (C) sexual harassment of another individual; or

1-61 (D) an offense under any of the following

2-1 provisions of the Penal Code:
 2-2 (i) Section 20A.02(a)(3), (4), (7), or (8)
 2-3 (sex trafficking of persons);
 2-4 (ii) Section 20A.03 (continuous
 2-5 trafficking of persons), if based partly or wholly on conduct that
 2-6 constitutes an offense under Section 20A.02(a)(3), (4), (7), or
 2-7 (8);
 2-8 (iii) Section 22.011 (sexual assault) or
 2-9 22.021 (aggravated sexual assault); or
 2-10 (iv) Chapter 21 (sexual offenses) or 43
 2-11 (public indecency); or
 2-12 (2) acting in bad faith or with a malicious purpose in
 2-13 making a disclosure described by Subsection (a).

2-14 SECTION 2. Section 84.0066, Civil Practice and Remedies
 2-15 Code, as added by this Act, does not apply to a cause of action that
 2-16 accrued before the effective date of this Act. A cause of action
 2-17 that accrued before the effective date of this Act is governed by
 2-18 the law applicable to the cause of action immediately before that
 2-19 date, and the former law is continued in effect for that purpose.

2-20 SECTION 3. This Act takes effect immediately if it receives
 2-21 a vote of two-thirds of all the members elected to each house, as
 2-22 provided by Section 39, Article III, Texas Constitution. If this
 2-23 Act does not receive the vote necessary for immediate effect, this
 2-24 Act takes effect September 1, 2019.

2-25 * * * * *