

BILL ANALYSIS

Senate Research Center

H.B. 246
By: Murr et al. (Bettencourt)
Jurisprudence
5/17/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Concerns have been raised regarding ambiguity in the definition of what constitutes an improper teacher-student relationship. There have been calls to clarify the definition of sexual contact in this regard and to ensure that all enrolled students are covered by the definition. H.B. 246 seeks to better enable law enforcement to prosecute teachers and faculty who engage in improper relationships with students by defining "sexual contact" with regard to the offense of improper relationship between an educator and a student.

H.B. 246 amends current law relating to the prosecution of the criminal offense of improper relationship between educator and student.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 21.01(2), Penal Code, to redefine "sexual contact" for purposes of Chapter 21 (Sexual Offenses) to include an exception as provided by Section 21.12 (Improper Relationship Between Educator and Student).

SECTION 2. Amends Section 21.12, Penal Code, by adding Subsections (d-1) and (e), as follows:

(d-1) Prohibits a public or private primary or secondary school from releasing to the general public the name of an employee of the school who is accused of committing an offense under Section 21.12 until the employee is indicted for the offense. Authorizes the school to release the name of the accused employee, without regard to whether there has been an incident, as necessary for the school to report the accusation to the Texas Education Agency or as otherwise required by law or to conduct its own investigation of the accusation.

(e) Defines, for purposes of Section 21.12, "sexual contact."

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2021.