

BILL ANALYSIS

Senate Research Center
87R28126 KJE-D

C.S.H.B. 246
By: Murr et al. (Bettencourt)
Jurisprudence
5/21/2021
Committee Report (Substituted)

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.

(Original Author's / Sponsor's Statement of Intent)

C.S.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, or a person or entity that operates a public or private primary or secondary school, except as otherwise provided by this subsection, from releasing externally 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, or the person or entity that operates the school, to release the name of the accused employee, regardless of whether the employee has been indicted for the offense as necessary for the school to:

(1) report the accusation:

(A) to the Texas Education Agency, another state agency, or local law enforcement or as otherwise required by law; or

(B) to the school's members or community in accordance with the school's policies or procedures or with the religious law observed by the school; or

(2) conduct an 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.