

BILL ANALYSIS

C.S.H.B. 1980

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International Relations & Economic Development
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Some survivors of sexual assault and sexual harassment with critical information for law enforcement may be legally forbidden from disclosing information due to certain provisions in nondisclosure or confidentiality agreements. While nondisclosure or confidentiality agreements are often used to protect trade secrets or company practices, they may also be abused to hide sexual harassment or sexual assault occurring in organizations. C.S.H.B. 1980 seeks to reduce inappropriate uses of certain provisions in nondisclosure or confidentiality agreements by voiding provisions that prohibit or limit an employee's ability to notify law enforcement or any regulatory agency of sexual assault or sexual harassment committed by an employee of an employer or at an employee's place of employment.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1980 amends the Labor Code to make any provision of a nondisclosure or confidentiality agreement or other agreement between an employer and an employee void and unenforceable as against the public policy of Texas if the provision:

- prohibits the employee from notifying, or limits the employee's ability to notify, a local or state law enforcement agency or any state or federal regulatory agency of sexual assault or sexual harassment, as defined by the bill, committed by an employee of the employer or at the employee's place of employment; or
- prohibits an employee from disclosing to any person, including during any related investigation, prosecution, legal proceeding, or dispute resolution, facts surrounding any such sexual assault or sexual harassment, including the identity of the alleged offender.

The bill's provisions do not apply to a negotiated settlement agreement or administrative action.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1980 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute makes a provision of a nondisclosure or confidentiality agreement or other agreement between an employer and employee void and unenforceable if the provision prohibits certain notification of law enforcement and disclosure of facts relating to sexual assault or sexual harassment, whereas the original made the agreement void and unenforceable under those conditions.