

## **BILL ANALYSIS**

S.B. 36  
By: Zaffirini  
Higher Education  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Legislation passed by the 86th Legislature significantly overhauled Texas' anti-hazing laws. Concerns have been raised, however, regarding a lack of clarity in provisions that were intended to incentivize reporting of hazing incidents by granting civil and criminal immunity to persons who voluntarily report hazing and cooperate with investigations. S.B. 36 seeks to address these concerns by explicitly including a peace officer or a law enforcement agency as entities to which a hazing report may be made, including a law enforcement investigation as a context in which good faith cooperation qualifies a reporting person for immunity, and clarifying that an entity other than a natural person may be granted immunity for such a report.

### **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**

S.B. 36 amends the Education Code to include a peace officer or a law enforcement agency among the entities to whom a qualifying report may be made for purposes of a personal hazing offense that involves a person's knowing failure to report a specific hazing incident involving a student in an educational institution, if the actor has firsthand knowledge of the planning of the incident or firsthand knowledge that the incident has occurred. The bill removes the specification that the requisite report of the offense must be in writing.

S.B. 36 revises statutory provisions granting immunity from civil or criminal liability to a person who voluntarily reports such an incident as follows:

- specifies that such a person includes an entity organized to support an organization;
- extends the qualifying timing of the voluntary report to include reporting before being contacted by a law enforcement agency concerning the incident or otherwise being included in a law enforcement agency's investigation;
- as regards a determination of cooperation in good faith throughout an applicable entity's response to the incident, specifies that the dean of students or another appropriate institutional official makes that determination only with respect to any institutional process; and
- includes cooperation in good faith with any law enforcement agency's investigation, as determined by the chief or other appropriate official designated by the law enforcement agency, as an alternate condition of the immunity.

**EFFECTIVE DATE**

September 1, 2021.