

## **BILL ANALYSIS**

Senate Research Center  
87R17360 MM-F

C.S.S.B. 36  
By: Zaffirini  
Criminal Justice  
3/30/2021  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 38 (2019) represented a significant overhaul of Texas' anti-hazing law. Concerns have been raised, however, regarding a few ambiguities in provisions of the law meant to incentivize reporting by offering criminal and civil immunity to persons who notify appropriate officials of hazing acts and cooperate with investigations.

S.B. 36 makes clarifying changes to establish that hazing reports—for purposes of immunity or simply to avoid the "failure to report" personal hazing offense—may be made to university officials or to law enforcement, that persons who may receive immunity include corporations and other entities that support student organizations, and that medical professionals who treat a student whom they suspect has been hazed have a duty to report their suspicions to law enforcement.

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

C.S.S.B. 36 amends current law relating to the offense of hazing.

### **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 37.152(a), Education Code, to provide that a person commits an offense if the person has firsthand knowledge of the planning of a specific hazing incident involving a student in an educational institution, or has firsthand knowledge that a specific hazing incident has occurred, and knowingly fails to report that knowledge, rather than fails to report that knowledge in writing, to certain persons, including a peace officer or a law enforcement agency.

SECTION 2. Amends Section 37.155(b), Education Code, as follows:

(b) Provides that any person, including an entity organized to support an organization, who voluntarily reports a specific hazing incident involving a student in an educational institution to certain persons, including a peace officer or a law enforcement agency, is immune from civil or criminal liability that might otherwise be incurred or imposed as a result of the reported hazing incident if the person:

(1) reports the incident before being contacted by the institution or a law enforcement agency concerning the incident or otherwise being included in the institution's or a law enforcement agency's investigation of the incident; and

(2) cooperates in good faith throughout any institutional process regarding the incident, as determined by the dean of students or other appropriate official of the institution designated by the institution or throughout any law enforcement agency's investigation regarding the incident, as determined by the chief or other

appropriate official of the law enforcement agency designated by the law enforcement agency.

Makes nonsubstantive changes.

SECTION 3. Makes application of this Act prospective as regards an offense.

SECTION 4. Makes application of Section 37.155, Education Code, as amended by this Act, prospective as regards a civil cause of action.

SECTION 5. Effective date: September 1, 2021.