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By:  Hughes S.B. No. 1360

A BILL TO BE ENTITLED

AN ACT

relating to notice of a state or federal investigation of alleged criminal conduct by a student or a faculty member or other instructor of a public or private institution of higher education in this state; authorizing a civil penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.956 to read as follows:

Sec. 51.956.  NOTICE OF INVESTIGATION OF CERTAIN CRIMINAL CONDUCT. (a) This section applies only to an investigation conducted by a state or federal law enforcement agency with respect to an allegation of criminal conduct that:

(1)  is committed by a student or a faculty member or other instructor of a public or private institution of higher education in this state; and

(2)  poses a threat to the security of the institution, of any political subdivision in which the institution is located, or of this state or nation.

(b)  For purposes of this section, criminal conduct poses a threat to the security of a public or private institution of higher education, of a political subdivision of this state, or of this state or nation if the applicable conduct contains elements of any of the following:

(1)  theft of intellectual property;

(2)  unauthorized access to sensitive or protected information such as intellectual property, including a breach of computer security for purposes of gaining access to that information; or

(3)  espionage conducted on behalf of a foreign government.

(c)  An administrator or department head of a public or private institution of higher education who learns of an investigation described by Subsection (a) involving alleged criminal conduct by a student or faculty member or other instructor of the institution shall promptly report that information to the office of the president of the institution. The president shall promptly report that information to the secretary and presiding officer of the governing board of the institution.

(d)  Not later than the 30th day after the date the presiding officer of the governing board of a public or private institution of higher education is notified or otherwise learns of an investigation as described by Subsection (c), the governing board shall provide written notice of that investigation to the lieutenant governor, the speaker of the house of representatives, and each standing committee of the legislature with primary jurisdiction over higher education matters. The written notice must contain any information about the investigation that is known by the presiding officer at the time of the notice, including the name of the investigating agency and, if known:

(1)  the targeted individual's citizenship or permanent resident status;

(2)  the degree of access of the individual to intellectual property or to other sensitive or protected information;

(3)  any link or affiliation of the individual to or with a foreign government; and

(4)  a description of the nature and possible seriousness of the allegation.

(e)  The name of a targeted individual must be redacted for purposes of any notice provided under this section.

(f)  A public or private institution of higher education whose governing board fails to timely provide the written notice as required by Subsection (d) is liable to the state for a civil penalty in an amount not to exceed $20,000 for each violation.  The attorney general may investigate any alleged violation of this section and may sue to collect the civil penalty described by this subsection.

SECTION 2.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.