By:  Hughes, Taylor S.B. No. 1360

(In the Senate - Filed March 10, 2021; March 18, 2021, read first time and referred to Committee on Higher Education; May 21, 2021, reported adversely, with favorable Committee Substitute by the following vote: Yeas 5, Nays 0; May 21, 2021, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Creighton                X

West            X

Birdwell                 X

Blanco          X

Miles                    X

Paxton          X

Springer        X

Taylor                   X

Zaffirini       X

COMMITTEE SUBSTITUTE FOR S.B. No. 1360 By:  Springer

A BILL TO BE ENTITLED

AN ACT

relating to notice of certain criminal conduct by a student or employee 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 CERTAIN CRIMINAL CONDUCT. (a) This section applies only to criminal conduct that:

(1)  is committed or alleged to have been committed by a student or employee of a public or private institution of higher education in this state; and

(2)  poses or could have posed 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 or could have posed 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 sensitive or protected intellectual capital;

(2)  unauthorized access to sensitive or protected information such as intellectual capital, 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 a conviction, indictment or other formal criminal charge, or incident of evasion or abscondment occurring with respect to criminal conduct to which this section applies 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 president of a public or private institution of higher education is notified or otherwise learns of information described by Subsection (c), the president shall provide written notice regarding that information to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each standing committee of the legislature with primary jurisdiction over higher education matters. Subject to Subsection (e), the written notice must contain any details about the information that are known by the president at the time of the notice, including, if known:

(1)  the degree of access of the specified individual to sensitive or protected intellectual capital or to other sensitive or protected information;

(2)  any link or affiliation of the individual to or with a foreign government or an organization affiliated with a foreign government; and

(3)  a description of the nature and seriousness of the applicable conduct.

(e)  The information required under Subsection (d) may be limited or redacted at the request of an appropriate investigative, prosecutorial, or judicial entity if that entity determines that the disclosure of that information would impair any pending judicial proceeding, including an appellate proceeding. The name of a suspected individual who has not yet been convicted or charged must be redacted for purposes of any notice provided under this section.

(f)  The notice is confidential and not subject to disclosure under Chapter 552, Government Code.

(g)  A public or private institution of higher education whose president 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.

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