

By: Murr, Cook, Ellzey

H.B. No. 246

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the prosecution of the criminal offense of improper
3 relationship between educator and student.

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

5 SECTION 1. Section 21.01(2), Penal Code, is amended to read
6 as follows:

7 (2) "Sexual contact" means, except as provided by
8 Section 21.11 or 21.12, any touching of the anus, breast, or any
9 part of the genitals of another person with intent to arouse or
10 gratify the sexual desire of any person.

11 SECTION 2. Section 21.12, Penal Code, is amended by adding
12 Subsections (d-1) and (e) to read as follows:

13 (d-1) A public or private primary or secondary school may
14 not release to the general public the name of an employee of the
15 school who is accused of committing an offense under this section
16 until the employee is indicted for the offense. The school may
17 release the name of the accused employee, without regard to whether
18 there has been an incident, as necessary for the school to:

19 (1) report the accusation to the Texas Education
20 Agency or as otherwise required by law; or

21 (2) conduct its own investigation of the accusation.

22 (e) In this section, "sexual contact" means the following
23 acts, if committed with the intent to arouse or gratify the sexual
24 desire of any person:

1 (1) any touching by an employee of a public or private
2 primary or secondary school of the anus, breast, or any part of the
3 genitals of:

4 (A) an enrolled person described by Subsection
5 (a)(1) or (a)(2)(A); or

6 (B) a student participant described by
7 Subsection (a)(2)(B); or

8 (2) any touching of any part of the body of the
9 enrolled person or student participant with the anus, breast, or
10 any part of the genitals of the employee.

11 SECTION 3. The change in law made by this Act applies only
12 to an offense committed on or after the effective date of this Act.
13 An offense committed before the effective date of this Act is
14 governed by the law in effect on the date the offense was committed,
15 and the former law is continued in effect for that purpose. For
16 purposes of this section, an offense was committed before the
17 effective date of this Act if any element of the offense was
18 committed before that date.

19 SECTION 4. This Act takes effect September 1, 2021.