

1-1 By: Hughes, Taylor S.B. No. 1360  
 1-2 (In the Senate - Filed March 10, 2021; March 18, 2021, read  
 1-3 first time and referred to Committee on Higher Education;  
 1-4 May 21, 2021, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 5, Nays 0; May 21, 2021,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8			X	
1-9				
1-10	X			
1-11			X	
1-12	X			
1-13			X	
1-14	X			
1-15	X			
1-16			X	
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1360 By: Springer

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to notice of certain criminal conduct by a student or  
 1-22 employee of a public or private institution of higher education in  
 1-23 this state; authorizing a civil penalty.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Subchapter 2, Chapter 51, Education Code, is  
 1-26 amended by adding Section 51.956 to read as follows:

1-27 Sec. 51.956. NOTICE OF CERTAIN CRIMINAL CONDUCT. (a) This  
 1-28 section applies only to criminal conduct that:

1-29 (1) is committed or alleged to have been committed by a  
 1-30 student or employee of a public or private institution of higher  
 1-31 education in this state; and

1-32 (2) poses or could have posed a threat to the security  
 1-33 of the institution, of any political subdivision in which the  
 1-34 institution is located, or of this state or nation.

1-35 (b) For purposes of this section, criminal conduct poses or  
 1-36 could have posed a threat to the security of a public or private  
 1-37 institution of higher education, of a political subdivision of this  
 1-38 state, or of this state or nation if the applicable conduct contains  
 1-39 elements of any of the following:

1-40 (1) theft of sensitive or protected intellectual  
 1-41 capital;

1-42 (2) unauthorized access to sensitive or protected  
 1-43 information such as intellectual capital, including a breach of  
 1-44 computer security for purposes of gaining access to that  
 1-45 information; or

1-46 (3) espionage conducted on behalf of a foreign  
 1-47 government.

1-48 (c) An administrator or department head of a public or  
 1-49 private institution of higher education who learns of a conviction,  
 1-50 indictment or other formal criminal charge, or incident of evasion  
 1-51 or abscondment occurring with respect to criminal conduct to which  
 1-52 this section applies shall promptly report that information to the  
 1-53 office of the president of the institution. The president shall  
 1-54 promptly report that information to the secretary and presiding  
 1-55 officer of the governing board of the institution.

1-56 (d) Not later than the 30th day after the date the president  
 1-57 of a public or private institution of higher education is notified  
 1-58 or otherwise learns of information described by Subsection (c), the  
 1-59 president shall provide written notice regarding that information  
 1-60 to the governor, the lieutenant governor, the speaker of the house

2-1 of representatives, and the presiding officer of each standing  
2-2 committee of the legislature with primary jurisdiction over higher  
2-3 education matters. Subject to Subsection (e), the written notice  
2-4 must contain any details about the information that are known by the  
2-5 president at the time of the notice, including, if known:

2-6 (1) the degree of access of the specified individual  
2-7 to sensitive or protected intellectual capital or to other  
2-8 sensitive or protected information;

2-9 (2) any link or affiliation of the individual to or  
2-10 with a foreign government or an organization affiliated with a  
2-11 foreign government; and

2-12 (3) a description of the nature and seriousness of the  
2-13 applicable conduct.

2-14 (e) The information required under Subsection (d) may be  
2-15 limited or redacted at the request of an appropriate investigative,  
2-16 prosecutorial, or judicial entity if that entity determines that  
2-17 the disclosure of that information would impair any pending  
2-18 judicial proceeding, including an appellate proceeding. The name  
2-19 of a suspected individual who has not yet been convicted or charged  
2-20 must be redacted for purposes of any notice provided under this  
2-21 section.

2-22 (f) The notice is confidential and not subject to disclosure  
2-23 under Chapter 552, Government Code.

2-24 (g) A public or private institution of higher education  
2-25 whose president fails to timely provide the written notice as  
2-26 required by Subsection (d) is liable to the state for a civil  
2-27 penalty in an amount not to exceed \$20,000 for each violation. The  
2-28 attorney general may investigate any alleged violation of this  
2-29 section and may sue to collect the civil penalty described by this  
2-30 subsection.

2-31 SECTION 2. This Act takes effect immediately if it receives  
2-32 a vote of two-thirds of all the members elected to each house, as  
2-33 provided by Section 39, Article III, Texas Constitution. If this  
2-34 Act does not receive the vote necessary for immediate effect, this  
2-35 Act takes effect September 1, 2021.

2-36

\* \* \* \* \*