

House Bill 246
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

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

(2) conduct its own investigation of the accusation.

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

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

SENATE VERSION (CS)

SECTION 1. Same as House version.

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

(d-1) Except as otherwise provided by this subsection, a public or private primary or secondary school, or a person or entity that operates a public or private primary or secondary school, may not release externally to the general public the name of an employee of the school who is accused of committing an offense under this section until the employee is indicted for the offense. The school, or the person or entity that operates the school, may release the name of the accused employee regardless of whether the employee has been indicted for the offense as necessary for the school to:

(1) report the accusation:

(A) to the Texas Education Agency, another state agency, or local law enforcement or as otherwise required by law; or

(B) to the school's members or community in accordance with the school's policies or procedures or with the religious law observed by the school; or

(2) conduct an investigation of the accusation.

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

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

CONFERENCE

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the genitals of:

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

(B) a student participant described by Subsection (a)(2)(B);

or

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

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

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

SENATE VERSION (CS)

the genitals of:

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

(B) a student participant described by Subsection (a)(2)(B);

or

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

SECTION 3. Same as House version.

SECTION 4. Same as House version.

CONFERENCE