

## **BILL ANALYSIS**

Senate Research Center  
88R6095 BDP-D

H.B. 4520  
By: Harris, Cody et al. (Bettencourt)  
Finance  
5/12/2023  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Parents across the state have reported finding pornographic materials in school libraries and classrooms. Any educational personnel found to have provided harmful material to a minor should have their educator license revoked, lose their pension, and be placed on the Do Not Hire Registry.

H.B. 4520 adds sale, distribution, or display of harmful material to a minor to the list of offenses which require the State Board for Educator Certification to revoke an educator's license and report the person to the Do Not Hire Registry.

Additionally, H.B. 4520 adds a felony offense of sale, distribution, or display of harmful material to a minor to the list of offenses that disqualify a person from receiving retirement benefits from the Teacher Retirement System.

As filed, H.B. 4520 seeks to protect children from inappropriate material and increase penalties on educators who fail to follow current and new proposed guidelines.

H.B. 4520 amends current law relating to employment and retirement consequences for an educator convicted of or placed on deferred adjudication community supervision for the sale, distribution, or display of harmful material to a minor.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 42.018(a), Code of Criminal Procedure, as follows:

(a) Provides that Article 42.018 (Notice Provided by Clerk of Court) applies only to certain convictions, including a conviction or deferred adjudication community supervision granted on the basis of an offense under Section 43.24 (Sale, Distribution, or Display of Harmful Material to Minor), Penal Code. Makes nonsubstantive changes.

SECTION 2. Amends Section 21.058(a), Education Code, as follows:

(a) Provides that the procedures described by Subsections (b) (relating to requiring the State Board for Educator Certification (SBEC), not later than the fifth day after the date SBEC receives notice of the conviction or placement on deferred adjudication community supervision of a person who holds an educator certification, to take certain actions) and (c) (relating to requiring a school district or open-enrollment charter school that receives notice of the revocation of an educator certificate to take certain actions) apply only to certain convictions, including a conviction of or placement on deferred adjudication community supervision for an offense under Section 43.24, Penal Code.

SECTION 3. Amends Section 824.009(a), Government Code, to redefine "qualifying felony."

SECTION 4. (a) Makes application of Article 42.018, Code of Criminal Procedure, as amended by this Act, prospective.

(b) Makes application of Section 824.009, Government Code, as amended by this Act, prospective.

SECTION 5. Effective date: September 1, 2023.