

BILL ANALYSIS

S.B. 37
By: Zaffirini
Higher Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In 2019, the legislature passed S.B. 38, which made significant changes to Texas' anti-hazing law. However, there are some ambiguities in provisions of Texas' anti-hazing law meant to incentivize reporting by offering criminal and civil immunity to persons who notify appropriate officials of hazing acts and cooperate with investigations. S.B. 37 seeks to clarify that hazing reports, for purposes of immunity or avoiding a personal hazing offense for failure to report, may be made to a peace officer or a law enforcement agency and to clarify that persons who may receive immunity include entities that support certain student organizations.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 37 amends the Education Code to revise provisions relating to the criminal offense of personal hazing as follows:

- includes a peace officer and a law enforcement agency among the entities to which a person may report firsthand knowledge of the planning or occurrence of a specific hazing incident involving a student in an educational institution for purposes of avoiding committing such an offense;
- removes the requirement that the reporting of such knowledge be made in writing;
- includes a peace officer and a law enforcement agency among the entities to which a person who voluntarily reports such a hazing incident in a certain manner is immune from civil or criminal liability that might otherwise be incurred or imposed as a result of the reported incident;
- specifies that such immunity extends to an entity organized to support an organization whose members are primarily students;
- with respect to the condition of that immunity that the person report the incident before being contacted about the incident or otherwise being included in the related investigation, includes a law enforcement agency as an entity that makes the contact or investigation; and
- includes cooperating in good faith throughout such an agency's investigation regarding the incident, as determined by the chief or other appropriate designated official of the agency, as a condition of the immunity.

S.B. 37 applies only to an offense committed on or after the bill's effective date. The bill provides for the continuation of the law in effect before the bill's effective date for purposes of an offense, or any element thereof, that occurred before that date. The bill's provisions relating to immunity apply only to a civil cause of action that accrues on or after the bill's effective date. An action that accrued before the bill's effective date is governed by the law in effect at the time the action accrued, and that law is continued in effect for that purpose.

EFFECTIVE DATE

September 1, 2023.