

BILL ANALYSIS

Senate Research Center
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S.B. 37
By: Zaffirini
Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 38 (2019) represented a significant overhaul of Texas' anti-hazing law. Concerns have been raised, however, regarding a few ambiguities in provisions of the 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 would:

- Clarify that hazing reports—for purposes of immunity or simply to avoid the "failure to report" personal hazing offense—may be made to university officials or to law enforcement; and
- Clarify that persons who may receive immunity includes corporations and other entities that support student organizations.

As proposed, S.B. 37 amends current law relating to the criminal offense of hazing.

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 Section 37.152(a), Education Code, as follows:

- (a) Provides that a person commits an offense if the person has firsthand knowledge of the planning of a specific hazing incident involving a student in an educational institution, or has firsthand knowledge that a specific hazing incident has occurred, and knowingly fails to report that knowledge to one of certain persons, including a peace officer or a law enforcement agency. Deletes existing text requiring that a hazing report be in writing.

SECTION 2. Amends Section 37.155(b), Education Code, as follows:

- (b) Provides that any person, including an entity organized to support an organization, who voluntarily reports a specific hazing incident involving a student in an educational institution to one of certain persons, including a peace officer or a law enforcement agency, is immune from civil or criminal liability that might otherwise be incurred or imposed as a result of the reported hazing incident if the person:

- (1) reports the incident before being contacted by the institution or a law enforcement agency concerning the incident or otherwise being included in the institution's or a law enforcement agency's investigation of the incident; and

- (2) cooperates in good faith throughout any institutional process regarding the incident, as determined by the dean of students or other appropriate official of the institution designated by the institution, or any law enforcement agency's investigation regarding the incident, as determined by the chief or other appropriate official of the law enforcement agency designated by the law enforcement agency. Deletes existing text requiring the determination of

cooperation in good faith to be made by the dean of students or other appropriate official of the institution designated by the institution. Makes nonsubstantive changes.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Makes application of Section 37.155, Education Code, as amended by this Act, prospective.

SECTION 5. Effective date: September 1, 2023.