

1-1 By: Zaffirini S.B. No. 50
 1-2 (In the Senate - Filed November 14, 2016; January 24, 2017,
 1-3 read first time and referred to Committee on Criminal Justice;
 1-4 April 27, 2017, reported favorably by the following vote: Yeas 7,
 1-5 Nays 0, 1 present not voting; April 27, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11				X
1-12	X			
1-13	X			
1-14			X	
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the offense of hazing.
 1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-21 SECTION 1. Section 37.151(6), Education Code, is amended to
 1-22 read as follows:
 1-23 (6) "Hazing" means any intentional, knowing, or
 1-24 reckless act, occurring on or off the campus of an educational
 1-25 institution, by one person alone or acting with others, directed
 1-26 against a student~~[, that endangers the mental or physical health or~~
 1-27 ~~safety of a student]~~ for the purpose of pledging, being initiated
 1-28 into, affiliating with, holding office in, or maintaining
 1-29 membership in an organization if the act:
 1-30 (A) ~~is [The term includes:~~
 1-31 ~~[(A)]~~ any type of physical brutality, such as
 1-32 whipping, beating, striking, branding, electronic shocking,
 1-33 placing of a harmful substance on the body, or similar activity;
 1-34 (B) ~~involves [any type of physical activity, such~~
 1-35 ~~as]~~ sleep deprivation, exposure to the elements, confinement in a
 1-36 small space, calisthenics, or other similar activity that subjects
 1-37 the student to an unreasonable risk of harm or that adversely
 1-38 affects the mental or physical health or safety of the student;
 1-39 (C) ~~involves [any activity involving]~~
 1-40 consumption of a food, liquid, alcoholic beverage, liquor, drug, or
 1-41 other substance, other than as described by Paragraph (F), that
 1-42 subjects the student to an unreasonable risk of harm or that
 1-43 adversely affects the mental or physical health or safety of the
 1-44 student;
 1-45 (D) is any activity that:
 1-46 (i) a reasonable person would believe
 1-47 intimidates or threatens the student with ostracism, [that]
 1-48 subjects the student to extreme mental stress, shame, or
 1-49 humiliation, [that] adversely affects the mental health or dignity
 1-50 of the student, or discourages the student from entering or
 1-51 remaining registered in an educational institution; [r] or
 1-52 (ii) [that] may reasonably be expected to
 1-53 cause the [a] student to leave the organization or the institution
 1-54 rather than submit to the activity [acts described in this
 1-55 subdivision]; [and]
 1-56 (E) is any activity that induces, causes, or
 1-57 requires the student to perform a duty or task that involves a
 1-58 violation of a state or federal penal law or a penal ordinance of a
 1-59 political subdivision; or
 1-60 (F) involves coercing, as defined by Section
 1-61 1.07, Penal Code, the student to consume an alcoholic beverage,

2-1 liquor, or drug or creates an environment in which the student
2-2 reasonably feels coerced to consume any of those substances [~~the~~
2-3 ~~Penal Code~~].

2-4 SECTION 2. Section 37.155, Education Code, is amended to
2-5 read as follows:

2-6 Sec. 37.155. IMMUNITY FROM PROSECUTION OR CIVIL LIABILITY
2-7 AVAILABLE. (a) In the prosecution of an offense under this
2-8 subchapter, the court may grant immunity from prosecution for the
2-9 offense to each person who is subpoenaed to testify for the
2-10 prosecution and who does testify for the prosecution.

2-11 (b) Any person who voluntarily reports [~~reporting~~] a
2-12 specific hazing incident involving a student in an educational
2-13 institution to the dean of students or other appropriate official
2-14 of the institution is immune from civil or criminal liability that
2-15 might otherwise be incurred or imposed as a result of the reported
2-16 hazing incident if the person:

2-17 (1) reports the incident before being contacted by the
2-18 institution concerning the incident or otherwise being included in
2-19 the institution's investigation of the incident; and

2-20 (2) as determined by the dean of students or other
2-21 appropriate official of the institution designated by the
2-22 institution, cooperates in good faith throughout any institutional
2-23 process regarding the incident [~~report~~].

2-24 (c) Immunity under Subsection (b) extends to participation
2-25 in any judicial proceeding resulting from the report.

2-26 (d) A person is not immune under Subsection (b) if the
2-27 person:

2-28 (1) reports the person's own act of hazing; or

2-29 (2) reports an incident of hazing [~~reporting~~] in bad
2-30 faith or with malice [~~is not protected by this section~~].

2-31 SECTION 3. Subchapter F, Chapter 37, Education Code, is
2-32 amended by adding Section 37.158 to read as follows:

2-33 Sec. 37.158. VENUE. (a) In this section, "prosecuting
2-34 attorney" means a county attorney, district attorney, or criminal
2-35 district attorney.

2-36 (b) An offense under this subchapter may be prosecuted:

2-37 (1) in any county in which the offense may be
2-38 prosecuted under other law; or

2-39 (2) if the consent required by Subsection (c) is
2-40 provided, in a county, other than a county described by Subdivision
2-41 (1), in which is located the educational institution campus at
2-42 which a victim of the offense is enrolled.

2-43 (c) An offense under this subchapter may be prosecuted in a
2-44 county described by Subsection (b)(2) only with the written consent
2-45 of a prosecuting attorney of a county described by Subsection
2-46 (b)(1) who has authority to prosecute an offense under this
2-47 subchapter.

2-48 SECTION 4. Section 51.936(c), Education Code, is amended to
2-49 read as follows:

2-50 (c) Not later than the 21st day of each semester, each
2-51 [~~Each~~] postsecondary educational institution shall distribute to
2-52 each student enrolled at the institution [~~during the first three~~
2-53 ~~weeks of each semester~~]:

2-54 (1) a summary of the provisions of Subchapter F,
2-55 Chapter 37; and

2-56 (2) a list of organizations that have been disciplined
2-57 for hazing or convicted for hazing on or off the campus of the
2-58 institution during the preceding three years.

2-59 SECTION 5. The change in law made by this Act applies only
2-60 to an offense committed on or after the effective date of this Act.
2-61 An offense committed before the effective date of this Act is
2-62 governed by the law in effect when the offense was committed, and
2-63 the former law is continued in effect for that purpose. For
2-64 purposes of this section, an offense was committed before the
2-65 effective date of this Act if any element of the offense was
2-66 committed before that date.

2-67 SECTION 6. Section 37.155, Education Code, as amended by
2-68 this Act, applies only to a civil cause of action that accrues on or
2-69 after the effective date of this Act. An action that accrued before

3-1 the effective date of this Act is governed by the law in effect at
3-2 the time the action accrued, and that law is continued in effect for
3-3 that purpose.

3-4 SECTION 7. This Act takes effect September 1, 2017.

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