

1-1 By: Watson S.B. No. 969
 1-2 (In the Senate - Filed February 21, 2017; March 1, 2017,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 March 29, 2017, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 8, Nays 0; March 29, 2017,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
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	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 969 By: Nelson

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to requiring certain public and private institutions of
 1-22 higher education to provide amnesty to students who report
 1-23 incidents of sexual assault.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Subchapter Z, Chapter 51, Education Code, is
 1-26 amended by adding Section 51.9366 to read as follows:

1-27 Sec. 51.9366. AMNESTY FOR STUDENTS REPORTING INCIDENTS OF
 1-28 SEXUAL ASSAULT. (a) In this section:

1-29 (1) "Coordinating board" means the Texas Higher
 1-30 Education Coordinating Board.

1-31 (2) "Postsecondary educational institution" means an
 1-32 institution of higher education or a private or independent
 1-33 institution of higher education, as those terms are defined by
 1-34 Section 61.003.

1-35 (3) "Sexual assault" means sexual contact or
 1-36 intercourse with a person without the person's consent, including
 1-37 sexual contact or intercourse against the person's will or in a
 1-38 circumstance in which the person is incapable of consenting to the
 1-39 contact or intercourse.

1-40 (b) A postsecondary educational institution may not take
 1-41 any disciplinary action against a student enrolled at the
 1-42 institution for a violation by the student of the institution's
 1-43 policies on student conduct if the student in good faith reports to
 1-44 the institution being the victim of, or a witness to, an incident of
 1-45 sexual assault and the violation of the institution's policies is
 1-46 in relation to the incident. This subsection applies regardless of
 1-47 the location at which the incident occurred or the outcome of the
 1-48 institution's disciplinary process regarding the incident, if any.

1-49 (c) A determination that a student is entitled to amnesty
 1-50 under Subsection (b) is final and may not be revoked.

1-51 (d) Subsection (b) does not apply to a student who reports
 1-52 the student's own commission of sexual assault or assistance in the
 1-53 commission of sexual assault.

1-54 (e) This section may not be construed to limit a
 1-55 postsecondary educational institution's ability to provide amnesty
 1-56 from application of the institution's policies in circumstances not
 1-57 described by Subsection (b).

1-58 (f) The coordinating board may adopt rules as necessary to
 1-59 implement and enforce this section.

1-60 (g) The commissioner of higher education shall establish an

2-1 advisory committee to recommend to the coordinating board rules for
2-2 adoption under Subsection (f). The advisory committee consists of
2-3 nine members appointed by the commissioner. Each member must be a
2-4 chief executive officer of a postsecondary educational institution
2-5 or a representative designated by that officer. Not later than
2-6 December 1, 2017, the advisory committee shall submit the
2-7 committee's recommendations to the coordinating board. This
2-8 subsection expires September 1, 2018.

2-9 SECTION 2. Section 51.9366, Education Code, as added by
2-10 this Act, applies beginning with the 2018 spring semester.

2-11 SECTION 3. This Act takes effect immediately if it receives
2-12 a vote of two-thirds of all the members elected to each house, as
2-13 provided by Section 39, Article III, Texas Constitution. If this
2-14 Act does not receive the vote necessary for immediate effect, this
2-15 Act takes effect September 1, 2017.

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