

1-1 By: Hughes S.B. No. 316
 1-2 (In the Senate - Filed January 7, 2019; February 7, 2019,
 1-3 read first time and referred to Committee on Education;
 1-4 April 2, 2019, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 7, Nays 4; April 2, 2019,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Taylor	X			
1-9 Lucio		X		
1-10 Bettencourt	X			
1-11 Campbell	X			
1-12 Fallon	X			
1-13 Hall	X			
1-14 Hughes	X			
1-15 Paxton	X			
1-16 Powell		X		
1-17 Watson		X		
1-18 West		X		

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 316 By: Hughes

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to the attorney general's duty to defend public school
 1-24 teachers.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. The legislature finds that it is in the best
 1-27 interest of this state for the attorney general to defend a public
 1-28 school teacher in a civil action brought against the teacher if the
 1-29 attorney general determines that the civil action arose as a result
 1-30 of an act that was within the scope of the teacher's duties and that
 1-31 the teacher acted in good faith.

1-32 SECTION 2. Subchapter B, Chapter 22, Education Code, is
 1-33 amended by adding Section 22.0518 to read as follows:

1-34 Sec. 22.0518. DEFENSE BY ATTORNEY GENERAL. (a) The
 1-35 attorney general shall defend a civil action brought against a
 1-36 teacher employed by a school district or open-enrollment charter
 1-37 school if the attorney general determines that:

1-38 (1) the civil action arose as a result of an act that
 1-39 was within the scope of the teacher's duties;

1-40 (2) the teacher acted in good faith; and

1-41 (3) representation of the teacher would not be a
 1-42 conflict of interest.

1-43 (b) Subsection (a) applies regardless of whether at the time
 1-44 the civil action is filed the teacher has terminated service with
 1-45 the school district or open-enrollment charter school.

1-46 (c) A determination made by the attorney general under
 1-47 Subsection (a) may not be admitted as evidence in a civil court
 1-48 proceeding.

1-49 (d) Nothing in this section may be construed to:

1-50 (1) deprive a teacher of the teacher's right to select
 1-51 legal counsel of the teacher's choosing at the teacher's own
 1-52 expense; or

1-53 (2) require the teacher to accept the attorney
 1-54 general's offer to represent the teacher.

1-55 SECTION 3. Section 22.0518, Education Code, as added by
 1-56 this Act, applies only to actions brought on or after the effective
 1-57 date of this Act.

1-58 SECTION 4. This Act takes effect immediately if it receives
 1-59 a vote of two-thirds of all the members elected to each house, as
 1-60 provided by Section 39, Article III, Texas Constitution. If this

2-1 Act does not receive the vote necessary for immediate effect, this
2-2 Act takes effect September 1, 2019.

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