

1-1 By: Murr, Cook, Ellzey H.B. No. 246
1-2 (Senate Sponsor - Bettencourt)
1-3 (In the Senate - Received from the House May 6, 2021;
1-4 May 13, 2021, read first time and referred to Committee on
1-5 Jurisprudence; May 22, 2021, reported adversely, with favorable
1-6 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-7 May 22, 2021, sent to printer.)

1-8 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-9				
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 COMMITTEE SUBSTITUTE FOR H.B. No. 246 By: Huffman

1-16 A BILL TO BE ENTITLED
1-17 AN ACT

1-18 relating to the prosecution of the criminal offense of improper
1-19 relationship between educator and student.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Section 21.01(2), Penal Code, is amended to read
1-22 as follows:

1-23 (2) "Sexual contact" means, except as provided by
1-24 Section 21.11 or 21.12, any touching of the anus, breast, or any
1-25 part of the genitals of another person with intent to arouse or
1-26 gratify the sexual desire of any person.

1-27 SECTION 2. Section 21.12, Penal Code, is amended by adding
1-28 Subsections (d-1) and (e) to read as follows:

1-29 (d-1) Except as otherwise provided by this subsection, a
1-30 public or private primary or secondary school, or a person or entity
1-31 that operates a public or private primary or secondary school, may
1-32 not release externally to the general public the name of an employee
1-33 of the school who is accused of committing an offense under this
1-34 section until the employee is indicted for the offense. The school,
1-35 or the person or entity that operates the school, may release the
1-36 name of the accused employee regardless of whether the employee has
1-37 been indicted for the offense as necessary for the school to:

1-38 (1) report the accusation:

1-39 (A) to the Texas Education Agency, another state
1-40 agency, or local law enforcement or as otherwise required by law; or

1-41 (B) to the school's members or community in
1-42 accordance with the school's policies or procedures or with the
1-43 religious law observed by the school; or

1-44 (2) conduct an investigation of the accusation.

1-45 (e) In this section, "sexual contact" means the following
1-46 acts, if committed with the intent to arouse or gratify the sexual
1-47 desire of any person:

1-48 (1) any touching by an employee of a public or private
1-49 primary or secondary school of the anus, breast, or any part of the
1-50 genitals of:

1-51 (A) an enrolled person described by Subsection
1-52 (a)(1) or (a)(2)(A); or

1-53 (B) a student participant described by
1-54 Subsection (a)(2)(B); or

1-55 (2) any touching of any part of the body of the
1-56 enrolled person or student participant with the anus, breast, or
1-57 any part of the genitals of the employee.

1-58 SECTION 3. The change in law made by this Act applies only
1-59 to an offense committed on or after the effective date of this Act.
1-60 An offense committed before the effective date of this Act is

2-1 governed by the law in effect on the date the offense was committed,
2-2 and the former law is continued in effect for that purpose. For
2-3 purposes of this section, an offense was committed before the
2-4 effective date of this Act if any element of the offense was
2-5 committed before that date.

2-6 SECTION 4. This Act takes effect September 1, 2021.

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