

1-1 By: Hall S.B. No. 1031
 1-2 (In the Senate - Filed February 17, 2023; March 3, 2023,
 1-3 read first time and referred to Committee on Health & Human
 1-4 Services; April 17, 2023, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 6, Nays 3;
 1-6 April 17, 2023, 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. 1031 By: Hancock

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

1-21 relating to studies or surveys on children's sexual behavior
 1-22 conducted at or by a public primary or secondary school or by a
 1-23 public or private institution of higher education or another
 1-24 person; creating criminal offenses; imposing civil penalties.

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

1-26 SECTION 1. Subchapter A, Chapter 38, Education Code, is
 1-27 amended by adding Section 38.0043 to read as follows:

1-28 Sec. 38.0043. PROHIBITION ON STUDY OR SURVEY OF CHILD
 1-29 SEXUAL BEHAVIOR; OFFENSE; CIVIL PENALTY. (a) A school district may
 1-30 not conduct or permit a third party to conduct a study or survey on a
 1-31 child's sexual behavior.

1-32 (b) A person commits an offense if the person violates
 1-33 Subsection (a). An offense under this subsection is a state jail
 1-34 felony.

1-35 (c) In addition to the criminal penalty under Subsection
 1-36 (b), a person who violates Subsection (a) is liable to the state for
 1-37 a civil penalty in an amount not less than \$1,000 or more than
 1-38 \$5,000 for each child unlawfully included in the study or survey.
 1-39 The attorney general may investigate an alleged violation of
 1-40 Subsection (a) and may sue to collect the civil penalty described by
 1-41 this subsection.

1-42 SECTION 2. Subchapter 2, Chapter 51, Education Code, is
 1-43 amended by adding Section 51.9762 to read as follows:

1-44 Sec. 51.9762. RESTRICTION ON STUDY OR SURVEY OF CHILD
 1-45 SEXUAL BEHAVIOR; OFFENSE; CIVIL PENALTY. (a) In this section,
 1-46 "institution of higher education" has the meaning assigned by
 1-47 Section 61.003.

1-48 (b) An institution of higher education or a private
 1-49 institution of higher education may not conduct a study or survey on
 1-50 a child's sexual behavior unless the parent of the child or person
 1-51 standing in parental relation to the child provides written consent
 1-52 for the child's inclusion in the study or survey. This subsection
 1-53 does not authorize the conduct of a study or survey prohibited under
 1-54 other law, including Section 38.0043.

1-55 (c) Information disclosed as part of a study or survey
 1-56 described by Subsection (b) indicating that a child has been abused
 1-57 or neglected, as those terms are defined by Section 261.001, Family
 1-58 Code, must be reported in accordance with Subchapter B, Chapter
 1-59 261, Family Code.

1-60 (d) A person commits an offense if the person violates

2-1 Subsection (b). An offense under this subsection is a state jail
2-2 felony.

2-3 (e) In addition to the criminal penalty under Subsection
2-4 (d), a person who violates Subsection (b) is liable to the state for
2-5 a civil penalty in an amount not less than \$1,000 or more than
2-6 \$5,000 for each child unlawfully included in the study or survey.
2-7 The attorney general may investigate an alleged violation of
2-8 Subsection (b) and may sue to collect the civil penalty described by
2-9 this subsection.

2-10 SECTION 3. Chapter 161, Health and Safety Code, is amended
2-11 by adding Subchapter X to read as follows:

2-12 SUBCHAPTER X. STUDIES AND SURVEYS OF CHILD SEXUAL BEHAVIOR

2-13 Sec. 161.701. RESTRICTION ON STUDY OR SURVEY OF CHILD
2-14 SEXUAL BEHAVIOR; OFFENSE; CIVIL PENALTY. (a) A person may not
2-15 conduct a study or survey on a child's sexual behavior unless the
2-16 parent of the child or person standing in parental relation to the
2-17 child provides written consent for the child's inclusion in the
2-18 study or survey. This subsection does not authorize the conduct of a
2-19 study or survey prohibited under other law, including Sections
2-20 38.0043 and 51.9762, Education Code.

2-21 (b) Information disclosed as part of a study or survey
2-22 described by Subsection (a) indicating that a child has been abused
2-23 or neglected, as those terms are defined by Section 261.001, Family
2-24 Code, must be reported in accordance with Subchapter B, Chapter
2-25 261, Family Code.

2-26 (c) A person commits an offense if the person violates
2-27 Subsection (a). An offense under this subsection is a state jail
2-28 felony.

2-29 (d) In addition to the criminal penalty under Subsection
2-30 (c), a person who violates Subsection (a) is liable to the state for
2-31 a civil penalty in an amount not less than \$1,000 or more than
2-32 \$5,000 for each child unlawfully included in the study or survey.
2-33 The attorney general may investigate an alleged violation of
2-34 Subsection (a) and may sue to collect the civil penalty described by
2-35 this subsection.

2-36 SECTION 4. This Act takes effect September 1, 2023.

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