

BILL ANALYSIS

C.S.H.B. 1482
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Higher Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There are calls for increased action and transparency with regard to hazing prevention policies at postsecondary educational institutions. C.S.H.B. 1482 seeks to answer these calls by encouraging the reporting of hazing by witnesses, facilitating the prosecution of perpetrators, and improving disclosure about hazing.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1482 amends the Education Code to revise the definition of "hazing" by including in that definition an act involving coercing a student to consume an alcoholic beverage, liquor, or drug and by applying the Penal Code definition of "coercion" to that included act. The bill expands the conduct that constitutes the offense of personal hazing to include the following actions committed with the intent to prevent the other person from documenting or reporting a hazing incident:

- disabling or taking the person's telephone or other electronic communication device;
- requiring the person to relinquish possession of their telephone or other electronic communication device; or
- denying the person access to a telephone or other electronic communication device.

C.S.H.B. 1482 specifies that the immunity from civil or criminal liability granted to a person reporting a specific hazing incident is for a person who voluntarily reports the incident and conditions the grant of immunity on the person reporting the hazing incident before being contacted by the institution concerning the incident or otherwise being included in the institution's investigation of the incident and on the person cooperating in good faith throughout any institutional process regarding the incident, as determined by the dean of students or other appropriate official of the institution designated by the institution. The bill excludes a person who reports the person's own act of hazing from being eligible for such immunity.

C.S.H.B. 1482 establishes venue for a hazing offense by authorizing such prosecution in a county in which the educational institution campus at which a victim of the offense is enrolled is located, if the applicably authorized prosecuting attorney consents, or in any county in which the offense may be prosecuted under other law.

C.S.H.B. 1482 requires each postsecondary educational institution, not later than January 1, 2020, to develop and post in a prominent location on the institution's website a report on hazing committed on or off campus by an organization registered with or recognized by the institution and sets out the required contents of the report. The bill requires the report to be updated to include information regarding each disciplinary process or conviction not later than the 30th day after the date on which the disciplinary process is resolved or the conviction becomes final, as applicable. The bill prohibits the report from including personally identifiable student information and requires the report to comply with the federal Family Educational Rights and Privacy Act of 1974. The bill requires each institution to provide to each student who attends the institution's student orientation a notice regarding the nature and availability of the report, including the report's website address. The bill's provisions relating to the report on hazing apply beginning with the 2020 spring semester.

C.S.H.B. 1482 changes the time at which each postsecondary educational institution is required to distribute to students certain information on hazing from during the first three weeks of each semester to not later than the 14th day before the first class day of each fall or spring semester and replaces the requirement for the institution to distribute a list of organizations that have been disciplined or convicted for hazing with a requirement to distribute a copy of, or an electronic link to a copy of, the hazing report.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1482 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes provisions expanding the conduct that constitutes the offense of personal hazing.

The substitute includes a specification that an organization subject to inclusion in an institution's hazing report is an organization registered with or recognized by the institution. The substitute does not include the specification that the information in the report regarding each conviction of hazing by an organization is regarding such a conviction by an organization at the institution.