

BILL ANALYSIS

Senate Research Center
77R11567 KSD-D

H.B. 3473
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Business & Commerce
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Engrossed

DIGEST AND PURPOSE

Current law requires a person who has cause to believe that a child is being abused or neglected to immediately report the abuse or neglect. However, the law does not protect a person who reports child abuse or neglect or participates in an investigation regarding child abuse or neglect from retaliation by an employer. H.B. 3473 prohibits an employer from terminating or suspending the employment of or otherwise discriminating against a professional who has direct contact with children in the course of employment and who in good faith reports child abuse or neglect or cooperates with an investigation regarding child abuse or neglect.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 261B, Family Code, by adding Section 261.110, as follows:

Sec. 261.110. EMPLOYER RETALIATION PROHIBITED. Defines “professional.” Prohibits an employer from suspending or terminating the employment of, or otherwise discriminating against, a person who is a professional and who in good faith performs certain actions. Authorizes a person whose employment is suspended or terminated or who is otherwise discriminated against in violation of this section to sue for injunctive relief, damages, or both. Authorizes a plaintiff who prevails in a suit under this section to recover: certain damages, costs, and fees. Provides that, in addition to amounts recovered under this section, a plaintiff who prevails in a suit under this section is entitled to certain reinstatement and compensation. Provides that a plaintiff suing under this section has the burden of proof, with exception. Authorizes a suit under this section to be brought in a certain district or county court. Sets forth guidelines regarding an affirmative defense to a suit under this section. Prohibits a public employee who has a cause of action under Chapter 554, Government Code, based on conduct described by this section from bringing an action based on that conduct under this section. Provides that this section does not apply to certain persons.

SECTION 2. Effective date: September 1, 2001. Makes application of this Act prospective regarding a report of child abuse or neglect that is made on or after that date.