

BILL ANALYSIS

Senate Research Center
84R6257 GCB-F

H.B. 1783
By: Moody et al. (To Be Filed)
Criminal Justice
5/21/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 1783 amends current law relating to the right of a school employee to report a crime and persons subject to the prohibition on coercing another into suppressing or failing to report information to a law enforcement agency and creates a criminal offense.

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 Section 12.104(b), Education Code, as follows:

(b) Provides that an open-enrollment charter school is subject to:

- (1) Makes no change to this subdivision; and
- (2) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:
 - (A)-(L) Makes no change to these paragraphs;
 - (M) and (N) Makes nonsubstantive changes; and
 - (O) the right of a school employee to report a crime, as provided by Section 37.148.

SECTION 2. Amends Subchapter E-1, Chapter 37, Education Code, by adding Section 37.148, as follows:

Sec. 37.148. RIGHT TO REPORT CRIME. (a) Authorizes an employee of a school district or open-enrollment charter school to report a crime witnessed at the school to any peace officer with authority to investigate the crime.

(b) Prohibits a school district or open-enrollment charter school from adopting a policy requiring a school employee to:

- (1) refrain from reporting a crime witnessed at the school; or
- (2) report a crime witnessed at the school only to certain persons or peace officers.

SECTION 3. Amends Section 39.06(a), Penal Code, as follows:

(a) Provides that a public servant commits an offense if, in reliance on information to which the public servant has access by virtue of the person's office, rather than to which

he has access by virtue of his office, or employment and that has not been made public, the person, rather than he:

(1) and (2) Makes no change to these subdivisions; or

(3) as a public servant, including as a school administrator, rather than including as a principal of a school, coerces another into suppressing or failing to report that information to a law enforcement agency.

SECTION 4. Provides that the change in law made by this Act to Section 39.06, Penal Code, applies to an offense committed on or after the effective date of this Act. Provides that an offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. Provides that, for purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 5. Effective date: September 1, 2015.