

BILL ANALYSIS

Senate Research Center

S.B. 1371
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Jurisprudence
6/1/2021
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

During the 86th Legislature, S.B. 212 established a reporting requirement for certain incidents of sexual harassment, sexual assault, dating violence, or stalking at certain public and private institutions of higher education.

Since implementation, interested parties have discovered a potential conflict in law relating to the reporting requirements in S.B. 212. S.B. 1371 addresses that conflict to ensure that the requirements under S.B. 212 coincide with existing law.

(Original Author's/Sponsor's Statement of Intent)

S.B. 1371 amends current law relating to the reporting of certain incidents of sexual harassment, sexual assault, dating violence, or stalking at certain public or private institutions of higher education.

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 51.252, Education Code, by amending Subsection (b) and adding Subsection (c-1), as follows:

(b) Requires that the report of an incident constituting sexual harassment, sexual assault, dating violence, or stalking, except as provided by certain subsections, including Subsection (c-1), include all information concerning the incident known to the reporting person that is relevant to the investigation and, if applicable, redress of the incident, including whether an alleged victim has expressed a desire for confidentiality in reporting the incident.

(c-1) Provides that a campus peace officer employed by a postsecondary educational institution who receives information regarding an incident described by Subsection (a) (relating to requiring an employee of a postsecondary educational institution who, in the course and scope of employment, witnesses or receives certain information regarding sexual harassment, sexual assault, dating violence, or stalking to promptly report the incident to the institution's Title IX coordinator or deputy Title IX coordinator) from an alleged victim who chooses to complete a pseudonym form described by Article 58.102 (Designation of Pseudonym; Pseudonym Form), 58.152 (Designation of Pseudonym; Pseudonym Form), 58.202 (Designation of Pseudonym; Pseudonym Form), or 58.252 (Designation of Pseudonym; Pseudonym Form), Code of Criminal Procedure, in making a report under Section 51.252 (Reporting Required for Certain Incidents), is required to state only the type of incident reported and is prohibited from including the victim's name, phone number, address, or other information that may directly or indirectly reveal the victim's identity.

SECTION 2. Amends Section 51.256(c), Education Code, as follows:

(c) Provides that nothing in Section 51.256 (Confidentiality) is authorized to be construed as prohibiting a victim from making a report to a law enforcement agency using a pseudonym form described by Article 58.102, 58.152, 58.202, or 58.252, rather than described by Article 57.02 (Confidentiality of Files and Records), Code of Criminal Procedure. Makes a nonsubstantive change.

SECTION 3. Provides that, to the extent of any conflict, this Act prevails over another Act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 4. Effective date: upon passage or September 1, 2021.