

BILL ANALYSIS

Senate Research Center
85R736 KJE-D

S.B. 50
By: Zaffirini
Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas' current hazing statute is vague and provides inadequate guidance to institutions of higher education in this state concerning what conduct constitutes hazing. What's more, the statute does not address adequately the dangers of alcohol-related hazing. The immunity provisions for persons reporting hazing are unclear and arguably create the perverse possibility that students can avoid liability by reporting their own acts of hazing. Finally, current law governing venue leaves open the possibility that the only court in which an instance of hazing may be prosecuted is one that has no geographic relationship to any of the parties involved.

S.B. 50 makes several changes to current law, including amending and broadening the definition of hazing, amending the provisions concerning immunity from prosecution for those reporting instances of hazing, and adding a venue provision specifying in which courts a violation of the hazing law may be prosecuted.

As proposed, S.B. 50 amends current law relating to the offense of hazing.

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 37.151(6), Education Code, to redefine "hazing."

SECTION 2. Amends Section 37.155, Education Code, as follows:

Sec. 37.155. New heading: IMMUNITY FROM PROSECUTION OR CIVIL LIABILITY AVAILABLE. (a) Creates this subsection from existing text and makes no further changes to this subsection.

(b) Creates this subsection from existing text. Provides that any person who voluntarily reports, rather than any person reporting, a specific hazing incident is immune from civil or criminal liability that might otherwise be incurred or imposed as a result of the reported hazing incident, rather than as a result of the report, if the person:

(1) reports the incident before being contacted by or otherwise included in the educational institution's (institution) investigation of the incident; and

(2) as determined by the dean of students or other appropriate official of the institution designated by the institution, cooperates in good faith throughout any institutional process regarding the incident.

(c) Creates this subsection from existing text. Provides that the immunity under Subsection (b) extends to participation in any judicial proceeding resulting from the report.

(d) Creates this subsection from existing text. Provides that a person is not immune if the person reports the person's own act of hazing or reports an incident of hazing in bad faith or with malice, rather than provides that a person reporting in bad faith or with malice is not protected by this section (Immunity from Prosecution of Civil Liability Available).

SECTION 3. Amends Subchapter F, Chapter 37, Education Code, by adding Section 37.158, as follows:

Sec. 37.158. VENUE. (a) Defines "prosecuting attorney."

(b) Authorizes the prosecution of an offense under this subchapter (Hazing) in any county in which the offense is authorized to be prosecuted under other law or, if the consent required by Subsection (c) is provided, in a county, other than a county described by Subdivision (1) (relating to a county in which the offense may be prosecuted under other law), in which is located the institution campus at which a victim of the offense is enrolled.

(c) Authorizes the prosecution of an offense in certain counties only with the written consent of a prosecuting attorney of those counties who has authority to prosecute an offense.

SECTION 4. Amends Section 51.936(c), Education Code, to require each institution, not later than the 21st day of each semester, to distribute certain items to each student enrolled at the institution, rather than requires each institution to distribute certain items to each student during the first three weeks of each semester.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Makes application of Section 37.155, Education Code, as amended by this Act, prospective.

SECTION 7. Effective date: September 1, 2017.