

BILL ANALYSIS

S.B. 50
By: Zaffirini
Higher Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties suggest that the law relating to the offense of hazing is vague and provides inadequate guidance to institutions of higher education concerning what conduct constitutes hazing. S.B. 50 seeks to address this issue by amending and broadening the definition of hazing, amending provisions concerning immunity from prosecution for those reporting instances of hazing, and adding a venue provision specifying the courts in which a hazing offense may be prosecuted.

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

S.B. 50 amends the Education Code to revise the definition of the term "hazing" by removing the general condition that the act endanger the mental or physical health or safety of a student, by clarifying that any activity consisting of intimidating or threatening a student with ostracism, subjecting a student to extreme mental stress, shame, or humiliation, adversely affecting the mental health or dignity of the student, or discouraging the student from entering or remaining registered in an educational institution is such that a reasonable person would believe has those effects, by clarifying that the term includes an act similar to an act involving sleep deprivation, exposure to the elements, confinement in a small space, or calisthenics that subjects a student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student, and by including in the definition an act that involves coercing a student to consume an alcoholic beverage, liquor, or drug.

S.B. 50 clarifies that, with regard to the provision establishing that any person reporting a specific hazing incident involving a student in an educational institution to the dean of students or other appropriate official of the institution is immune from civil or criminal liability that might otherwise be incurred or imposed as a result of the report, the person is one who voluntarily reports the incident. The bill conditions that immunity from liability on the person reporting the incident before being contacted by the institution concerning the incident or otherwise being included in the institution's investigation of the incident and, as determined by the dean of students or other appropriate official of the institution designated by the institution, the person cooperating in good faith throughout any institutional process regarding the incident. The bill disqualifies a person from immunity if the person reports the person's own act of hazing.

S.B. 50 authorizes the prosecution of a hazing offense in any county in which the offense may be prosecuted under other law or in another county in which is located the educational institution campus at which a victim of the offense is enrolled, with the latter venue conditional on the provision of the written consent of a prosecuting attorney of the former county who has authority to prosecute a hazing offense.

S.B. 50 changes the deadline by which each postsecondary educational institution is required to distribute certain information regarding hazing to each student from during the first three weeks of each semester to not later than the 21st day of each semester. The bill clarifies that the students to whom the information must be distributed are the students enrolled at the institution.

EFFECTIVE DATE

September 1, 2017.