

SUBJECT: Civil immunity for charitable organizations disclosing sexual misconduct

COMMITTEE: Judiciary and Civil Jurisprudence — committee substitute recommended

VOTE: 9 ayes — Leach, Farrar, Y. Davis, Julie Johnson, Krause, Meyer, Neave, Smith, White

0 nays

WITNESSES: For — Ben Wright, Southern Baptists of Texas Convention; Laura Colangelo, Texas Private Schools Association; Jennifer Allmon, The Texas Catholic Conference of Bishops; (*Registered, but did not testify*: Gus Reyes, Christian Life Commission of Texas Baptists; Ann Hettinger, Concerned Women for America; Cindy Asmussen, Southern Baptists of Texas Convention; Chris Kaiser, Texas Association Against Sexual Assault; Russell Allen, Woodlawn Baptist Church; Orlando Guerrero)

Against — Douglas Brown; (*Registered, but did not testify*: Idona Griffith)

DIGEST: CSHB 4345 would make charitable organizations and their employees or volunteers immune from civil liability for good-faith disclosure to an individual's current or prospective employer information reasonably believed to be true about allegations that the individual, while an employee or volunteer of the charitable organization:

- engaged in sexual misconduct;
- sexually abused another individual;
- sexually harassed another individual; or
- otherwise committed a sexual offense or an offense of public indecency.

Individuals would not be immune from civil liability if they disclosed information about their own sexual misconduct or acted in bad faith or with malicious purpose in making a disclosure.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019, and would not apply to a cause of action that accrued before the bill's effective date.

**SUPPORTERS
SAY:**

CSHB 4345 would empower charitable organizations to take action against individuals with a history of sexual misconduct by granting these organizations immunity from civil liability for disclosing this history to other employers. Many of these organizations are worried about the civil liability that could result if they disclose this information. The bill would end the silence that can allow predators to move between charitable organizations and would help prevent them from harming others.

Guaranteeing civil immunity for good-faith reporting of sexual misconduct would ensure that charitable organizations were not punished for coming forward with information so that others were not abused again. These organizations already have an obligation to report the sexual misconduct of minors to law enforcement.

**OPPONENTS
SAY:**

CSHB 4345 would not go far enough in protecting people from sexual misconduct. The bill should require charitable organizations to report all instances of sexual misconduct to law enforcement in order to receive immunity from civil liability.