

SUBJECT: Revising consequences for educators providing harmful material to minors

COMMITTEE: Public Education — favorable, without amendment

VOTE: 10 ayes — Buckley, Allison, Cunningham, Cody Harris, Harrison,
Hefner, Hinojosa, K. King, Schaefer, Talarico

0 nays

3 absent — Allen, Dutton, Longoria

WITNESSES: For — (*Registered, but did not testify*: Barry Haenisch, Texas Association of Community Schools; Raif Calvert, Texas Association of School Boards; Mark Terry, Texas Elementary Principals and Supervisors Association; Tom Nobis, The Republican Party of Texas)

Against — (*Registered, but did not testify*: Jennifer Easley, Texas PTA; Sophia DeLoretto-Chudy; Babs Miller)

On — (*Registered, but did not testify*: Eric Marin, TEA; David Rodriguez, Texas Education Agency; Deborah Simmons)

BACKGROUND: Under Penal Code sec. 43.24, "harmful material" means material whose dominant theme taken as a whole appeals to the prurient interest of a minor, in sex, nudity, or excretion, is patently offense to prevailing standards in the adult community with respect to what is suitable for minors, and is utterly without redeeming social value for minors. The code establishes certain offenses for knowingly selling, distributing, exhibiting, or possessing for sale, distribution, or exhibition harmful material to a minor under certain circumstances.

Some have suggested that educational personnel who provide harmful material to a minor should have their educator licenses revoked.

DIGEST: HB 4520 would add a conviction or deferred adjudication community supervision granted on the basis of sale, distribution, or display of harmful

material to a minor to the list of convictions brought to the attention of a school where an offender was employed.

A person who was convicted of or placed on deferred adjudication community supervision for sale, distribution, or display of harmful material to a minor would have their teaching certificate revoked. The school district or charter school would be required to immediately remove the from campus or an administrative office to prevent the person from having any contact with a student and take certain employment actions.

HB 4520 would specify that the sale, distribution, or display of harmful material to a minor would be a qualifying felony and would disqualify the person from receiving a service retirement annuity.

The bill would apply only to a conviction or order granting deferred adjudication community supervision entered on or after the effect date of the bill. The bill would apply only to an offense committed on or after the effective date.

The bill would take effect September 1, 2023.