BILL ANALYSIS

Senate Research Center

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S.B. 33
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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 those 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.

The proposed legislation 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. 33 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" to include the act of coercing a student to consume alcohol or a drug.

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. Makes no further changes to this subsection.

(b) Creates this subsection from existing text. Provides that any person who voluntarily reports a hazing incident involving a student in an educational institution to the dean or school officials is immune from civil or criminal liability that might otherwise be incurred or imposed as a result of the incident if the person reports the incident before being contacted by the institution concerning the incident or investigation of the incident, and, as determined by the dean of students or other appropriate officials, cooperates in good faith throughout any institutional process regarding the incident.

(c) Creates this subsection from existing text. Provides that 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 under Subsection (b) if the person reports the person's own act of hazing, or reports an incident of hazing in bad faith or with malice.

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) Provides that an offense under this subchapter may be prosecuted:

(1) in any county in which the offense may be prosecuted under other law; or

(2) if the consent required by Subsection (c) is provided, in a county, other than a county described by Subdivision (1), in which is located the educational institution campus at which a victim of the offense is enrolled.

(c) Provides that an offense under this subchapter may be prosecuted in a county described by Subsection (b)(2) only with the written consent of a prosecuting attorney of a county described by Subsection (b)(1) who has authority to prosecute an offense under this subchapter.

SECTION 4. Amends Section 51.936(c), Education Code, as follows:

(c) Requires each postsecondary educational institution to distribute the required documents determined under this subdivision to each enrolled student no later than the 21st day of each semester, rather than 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, 2015.