

BILL ANALYSIS

Senate Research Center
87R13746 KJE-F

S.B. 1371
By: Huffman
Jurisprudence
4/2/2021
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

During the 86th Legislature, S.B. 212 established a reporting requirement for certain incidents of sexual harassment, sexual assault, dating violence, or stalking at certain public and private institutions of higher education.

Since implementation, interested parties have discovered a potential conflict in law relating to the reporting requirements in S.B. 212. S.B. 1371 addresses that conflict to ensure that the requirements under S.B. 212 coincide with existing law.

As proposed, S.B. 1371 amends current law relating to the reporting of certain incidents of sexual harassment, sexual assault, dating violence, or stalking at certain public or private institutions of higher education.

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 51.252, Education Code, by amending Subsection (b) and adding Subsection (c-1), as follows:

(b) Requires that the report of an incident constituting sexual harassment, sexual assault, dating violence, or stalking, except as provided by Subsection (c) (relating to requiring an employee of a postsecondary educational institution designated by the institution as a person with whom students may speak confidentially concerning sexual harassment, sexual assault, dating violence, or stalking, in making a report under this section, to state only the type of incident reported and prohibits the employee from including any information that would violate a student's expectation of privacy) or (c-1), include all information concerning the incident known to the reporting person that is relevant to the investigation and, if applicable, redress of the incident, including whether an alleged victim has expressed a desire for confidentiality in reporting the incident.

(c-1) Requires a campus peace officer employed by a postsecondary educational institution who receives information regarding an incident described by Subsection (a) (relating to requiring an employee of a postsecondary educational institution who, in the course and scope of employment, witnesses or receives certain information regarding sexual harassment, sexual assault, dating violence, or stalking to promptly report the incident to the institution's Title IX coordinator or deputy Title IX coordinator) from an alleged victim who chooses to make a report to the officer using the pseudonym form described by Article 58.102 (Designation of Pseudonym; Pseudonym Form), Code of Criminal Procedure, in making a report under Section 51.252 (Reporting Required for Certain Incidents), to state only the type of incident reported and prohibits the officer from including the victim's name, phone number, address, or other information that may directly or indirectly reveal the victim's identity.

SECTION 2. Effective date: upon passage or September 1, 2021.