

## **BILL ANALYSIS**

Senate Research Center  
87R15988 KJE-F

C.S.S.B. 1371  
By: Huffman  
Jurisprudence  
4/7/2021  
Committee Report (Substituted)

### **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.

(Original Author's/Sponsor's Statement of Intent)

C.S.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 prohibiting 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 complete a pseudonym form described by Article 58.102 (Designation of Pseudonym; Pseudonym Form), 58.152 (Designation of Pseudonym; Pseudonym Form), 58.202 (Designation of Pseudonym; Pseudonym Form), or 58.252 (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. Amends Section 51.256(c), Education Code, as follows:

(c) Provides that nothing in Section 51.256 (Confidentiality) is to be construed as prohibiting a victim from making a report to a law enforcement agency using a pseudonym form described by Article 58.102, 58.152, 58.202, or 58.252, rather than described by Article 57.02, Code of Criminal Procedure. Makes a nonsubstantive change.

SECTION 3. Provides that, to the extent of any conflict, this Act prevails over another Act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 4. Effective date: upon passage or September 1, 2021.