

By: Isaac

H.B. No. 1403

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the offense of improper relationship between educator and student.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 21.12, Penal Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a) An employee of a public or private primary or secondary school commits an offense if the employee:

(1) engages in sexual contact, sexual intercourse, or deviate sexual intercourse with a person who is enrolled in a public or private primary or secondary school at which the employee works;

(2) holds a position described by Section 21.003(a) or (b), Education Code, regardless of whether the employee holds the appropriate certificate, permit, license, or credential for the position, [a certificate or permit issued as provided by Subchapter B, Chapter 21, Education Code, or is a person who is required to be licensed by a state agency as provided by Section 21.003(b), Education Code, and engages in sexual contact, sexual intercourse,

or deviate sexual intercourse with a person the employee knows is ~~+~~ [A] enrolled in a public or private primary or secondary school other than a school described by Subdivision (1)

~~[in the same school district as the school at which the employee works, or~~

1 ~~[(B) a student participant in an educational~~
2 ~~activity that is sponsored by a school district or a public or~~
3 ~~private primary or secondary school, if:~~

4 ~~[(i) students enrolled in a public or~~
5 ~~private primary or secondary school are the primary participants in~~
6 ~~the activity; and~~

7 ~~[(ii) the employee provides education~~
8 ~~services to those participants]; or~~

9 (3) engages in conduct described by Section 33.021,
10 with a person described by Subdivision (1), or a person the employee
11 knows is a person described by Subdivision (2) ~~[(2)(A) or (B)]~~,
12 regardless of the age of that person.

13 (e) With the consent of the appropriate local county or
14 district attorney, the attorney general has concurrent
15 jurisdiction with that consenting local prosecutor to prosecute an
16 offense under this section.

17 SECTION 2. The change in law made by this Act applies only
18 to an offense committed on or after the effective date of this Act.
19 An offense committed before the effective date of this Act is
20 governed by the law in effect on the date the offense was committed,
21 and the former law is continued in effect for that purpose. For
22 purposes of this section, an offense was committed before the
23 effective date of this Act if any element of the offense was
24 committed before that date.

25 SECTION 3. This Act takes effect September 1, 2017.