

SUBJECT:	Defining sexual contact in improper educator, student relationships
COMMITTEE:	Criminal Jurisprudence — favorable, without amendment
VOTE:	8 ayes — Collier, K. Bell, J. González, Hunter, P. King, Moody, Murr, Pacheco 0 nays 1 absent — Zedler
WITNESSES:	<p>For — Lucy Wilke, District Attorney; John Hoover; (<i>Registered, but did not testify</i>: Vinit Shah, Children's Defense Fund - Texas; Tiana Sanford, Montgomery County District Attorneys Office; Nicole Hudgens, Texas Values Action; Lee Nichols, TexProtects - Champions for Safe Children; Knox Kimberly, Upbring)</p> <p>Against — (<i>Registered, but did not testify</i>: John McRae, McRae Bail Bonds; Glenn Meeker, Professional Bondsmen of Texas; Shelby Burns; Hector Zamora; Jimmy Zamora)</p>
BACKGROUND:	<p>Penal Code sec. 21.12 governs improper relationships between educators and students. An employee of a public or private primary or secondary school commits an offense if the employee:</p> <ul style="list-style-type: none">• engaged in sexual contact, sexual intercourse, or deviate sexual intercourse with a person enrolled at the school in which the employee worked;• held a position at the school and engaged in sexual contact, sexual intercourse, or deviate sexual intercourse with a person whom the employee knew was enrolled at a different school or with a student participant in an educational activity that was sponsored by another school district or school, if students were the primary participants in the activity;• engaged in online solicitation of a minor with a person enrolled at the school in which the employee worked, another school, or who

was a student participant in an education activity, regardless of the age of the person.

The offense is a second-degree felony (two to 20 years in prison and an optional fine of up to \$10,000).

DIGEST:

HB 324 would define sexual contact, as it related to offenses of improper relationships between educators and students, as acts committed with the intent to arouse or gratify the sexual desire of any person that involved:

- touching by an employee of a public or private primary or secondary school of the anus, breast, or any part of the genitals of a person enrolled at the school; or
- touching any part of the body of a person enrolled in a public or private primary or secondary school with the anus, breast, or any part of the genitals of an employee of the school.

The bill would take effect September 1, 2019, and would apply only to offenses committed on or after that date.