

BILL ANALYSIS

Senate Research Center

S.B. 966
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Criminal Justice
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Recent scandals illustrate that our higher education institutions and our state as a whole face serious challenges when it comes to preventing sexual assault and helping sexual assault victims. One of these challenges is encouraging victims and bystanders to report sexual assault.

The Association of American Universities released a campus climate survey on sexual assault and sexual misconduct in September 2015. This survey found that overall rates of reporting to campus officials and law enforcement were low, ranging from five percent to 28 percent, depending on the specific type of behavior. Victims and bystanders are especially unlikely to report sexual assault when doing so may subject them to criminal charges for underage drinking. And, unfortunately, recent scandals suggest parties with underage drinking are a typical setting where people commit sexual assault against young people.

S.B. 966 addresses this problem by providing Good Samaritan protections for victims or bystanders who report sexual assault to: (1) a health care provider treating the victim; (2) a law enforcement employee, including a campus police employee; or (3) a Title IX coordinator at the victim's college or university. These protections ensure a minor who reports sexual assault to one of the covered individuals cannot be prosecuted for either underage possession or underage consumption of alcohol. In this way, S.B. 966 removes a barrier that discourages victims and bystanders from reporting sexual assault. (Original Author's / Sponsor's Statement of Intent)

S.B. 966 amends current law relating to criminal offenses regarding the consumption or possession of alcoholic beverages by a minor.

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 106.04, Alcoholic Beverage Code, by adding Subsections (f), (g), and (h), as follows:

(f) Provides that Subsection (a) (relating to a minor committing an offense by consuming an alcoholic beverage), except as provided by Subsection (g), does not apply to a minor who reports the sexual assault of the minor or another person, or is the victim of a sexual assault reported by another person, to a health care provider treating the victim of the sexual assault, an employee of a law enforcement agency, including an employee of a campus police department of an institution of higher education (IHE), or the Title IX coordinator of an IHE or another employee of the IHE responsible for responding to reports of sexual assault.

(g) Entitles a minor to raise the defense provided by Subsection (f) in the prosecution of an offense under this section (Consumption of Alcohol by a Minor) only if the minor is in violation of this section at the time of the commission of a sexual assault that is reported by a minor under Subsection (f) or committed against the minor and reported by another person under Subsection (f).

(h) Provides that a minor who commits a sexual assault that is reported under Subsection (f) is not entitled to raise the defense provided by Subsection (f) in the prosecution of the minor for an offense under this section.

SECTION 2. Amends Section 106.05, Alcoholic Beverage Code, by adding Subsections (e), (f), and (g), as follows:

(e) Provides that Subsection (a) (relating to a minor committing an offense by possessing an alcoholic beverage), except as provided by Subsection (f), does not apply to a minor who reports the sexual assault of the minor or another person, or is the victim of a sexual assault reported by another person, to a health care provider treating the victim of the sexual assault, an employee of a law enforcement agency, including an employee of a campus police department of an IHE, or the Title IX coordinator of an IHE or another employee of the IHE responsible for responding to reports of sexual assault.

(f) Entitles a minor to raise the defense provided by Subsection (e) in the prosecution of an offense under this section (Possession of Alcohol by a Minor) only if the minor is in violation of this section at the time of the commission of a sexual assault that is reported by a minor under Subsection (e) or committed against the minor and reported by another person under Subsection (e).

(g) Provides that a minor who commits a sexual assault that is reported under Subsection (e) is not entitled to raise the defense provided by Subsection (e) in the prosecution of the minor for an offense under this section.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2017.