

By: Beckley

H.B. No. 1038

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the repeal of the criminal offense of homosexual
3 conduct.

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

5 SECTION 1. Section 21.06, Penal Code, is repealed.

6 SECTION 2. Section 85.007(b), Health and Safety Code, is
7 amended to read as follows:

8 (b) The materials in the education programs intended for
9 persons younger than 18 years of age must[+]

10 [~~(1)~~] emphasize sexual abstinence before marriage and
11 fidelity in marriage as the expected standard in terms of public
12 health and the most effective ways to prevent HIV infection,
13 sexually transmitted diseases, and unwanted pregnancies[~~, and~~

14 [~~(2) state that homosexual conduct is not an~~
15 ~~acceptable lifestyle and is a criminal offense under Section 21.06,~~
16 ~~Penal Code].~~

17 SECTION 3. Section 163.002, Health and Safety Code, is
18 amended to read as follows:

19 Sec. 163.002. INSTRUCTIONAL ELEMENTS. Course materials and
20 instruction relating to sexual education or sexually transmitted
21 diseases should include:

22 (1) an emphasis on sexual abstinence as the only
23 completely reliable method of avoiding unwanted teenage pregnancy
24 and sexually transmitted diseases;

1 (2) an emphasis on the importance of self-control,
2 responsibility, and ethical conduct in making decisions relating to
3 sexual behavior;

4 (3) statistics, based on the latest medical
5 information, that indicate the efficacy of the various forms of
6 contraception;

7 (4) information concerning the laws relating to the
8 financial responsibilities associated with pregnancy, childbirth,
9 and child rearing;

10 (5) information concerning the laws prohibiting
11 sexual abuse and the legal and counseling options available to
12 victims of sexual abuse;

13 (6) information on how to cope with and rebuff
14 unwanted physical and verbal sexual advances, as well as the
15 importance of avoiding the sexual exploitation of other persons;
16 and

17 (7) psychologically sound methods of resisting
18 unwanted peer pressure[~~, and~~

19 ~~[(8) emphasis, provided in a factual manner and from a
20 public health perspective, that homosexuality is not a lifestyle
21 acceptable to the general public and that homosexual conduct is a
22 criminal offense under Section 21.06, Penal Code].~~

23 SECTION 4. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2021.