

By: Slaton

H.B. No. 151

A BILL TO BE ENTITLED

AN ACT

relating to certain affirmative defenses to prosecution for the criminal offenses of sexual performance by a child and possession or promotion of child pornography.

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

SECTION 1. Section 43.25(f), Penal Code, is amended to read as follows:

(f) It is an affirmative defense to a prosecution under this section that

~~(1) the defendant was the spouse of the child at the time of the offense~~

~~(2) the conduct was for a bona fide educational, medical, psychological, psychiatric, judicial, law enforcement, or legislative purpose, or~~

~~(3) the defendant is not more than two years older than the child].~~

SECTION 2. Section 43.26(c), Penal Code, is amended to read as follows:

(c) It is an ~~The~~ affirmative defense ~~defenses provided by Section 43.25(f) also apply~~ to a prosecution under this section that:

(1) the defendant was the spouse of the child at the time of the offense; or

(2) the conduct was for a bona fide judicial or law

1 enforcement purpose.

2 SECTION 3. The changes in law made by this Act apply only to
3 an offense committed on or after the effective date of this Act. An
4 offense committed before the effective date of this Act is governed
5 by the law in effect on the date the offense was committed, and the
6 former law is continued in effect for that purpose. For purposes of
7 this section, an offense was committed before the effective date of
8 this Act if any element of the offense occurred before that date.

9 SECTION 4. This Act takes effect September 1, 2023.