

By: Little

H.B. No. 2710

A BILL TO BE ENTITLED

AN ACT

relating to affirmative defenses to prosecution for certain criminal offenses involving material or conduct that may be obscene or is otherwise harmful to children.

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; or

~~(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) ~~The affirmative defenses provided by Section 43.25(f)(2) and (3) also apply to a prosecution under this section.~~ [It is an affirmative defense to a prosecution under this section that the possession or promotion was for a bona fide judicial, law enforcement or legislative purpose.]

SECTION 3. Section 43.24(c), Penal Code, is repealed.

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

8           SECTION 5. This Act takes effect September 1, 2025.