

1-1 By: Middleton S.B. No. 412  
 1-2 (In the Senate - Filed November 21, 2024; February 3, 2025,  
 1-3 read first time and referred to Committee on Criminal Justice;  
 1-4 March 6, 2025, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 7, Nays 0; March 6, 2025,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 412 By: Parker

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to defenses to prosecution for certain offenses involving  
 1-20 material or conduct that is obscene or otherwise harmful to  
 1-21 children.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 43.24, Penal Code, is amended by adding  
 1-24 Subsection (c-2) to read as follows:

1-25 (c-2) It is an affirmative defense to prosecution under  
 1-26 Subsection (b)(1) or (2) that at the time of the offense the actor  
 1-27 was a judicial or law enforcement officer discharging the officer's  
 1-28 official duties.

1-29 SECTION 2. Section 43.25(f), Penal Code, is amended to read  
 1-30 as follows:

1-31 (f) It is an affirmative defense to a prosecution under this  
 1-32 section that:

1-33 (1) the defendant was the spouse of the child at the  
 1-34 time of the offense;

1-35 (2) at the time of the offense the actor was a judicial  
 1-36 or law enforcement officer discharging the officer's official  
 1-37 duties [the conduct was for a bona fide educational, medical,  
 1-38 psychological, psychiatric, judicial, law enforcement, or  
 1-39 legislative purpose]; or

1-40 (3) the defendant is not more than two years older than  
 1-41 the child.

1-42 SECTION 3. Section 43.24(c), Penal Code, is repealed.

1-43 SECTION 4. The changes in law made by this Act apply only to  
 1-44 an offense committed on or after the effective date of this Act. An  
 1-45 offense committed before the effective date of this Act is governed  
 1-46 by the law in effect on the date the offense was committed, and the  
 1-47 former law is continued in effect for that purpose. For purposes of  
 1-48 this section, an offense was committed before the effective date of  
 1-49 this Act if any element of the offense occurred before that date.

1-50 SECTION 5. This Act takes effect September 1, 2025.

1-51 \* \* \* \* \*