

## **BILL ANALYSIS**

Senate Research Center

S.B. 825  
By: Whitmire  
Criminal Justice  
8/24/2003  
Enrolled

### **DIGEST AND PURPOSE**

Currently, it is a criminal offense for a health care provider to engage in non-consensual sex with a person in the provider's care or with a patient. S.B. 825 makes it a criminal offense for an employee of certain facilities to engage in sex with a resident of the facility.

### **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 Subsection (b), Penal Code, to provide that a sexual assault is without the consent of the other person if the actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under Chapter 2 (The Marriage Relationship), Family Code. Makes nonsubstantive changes.

SECTION 2. Amends Subsection (c), Penal Code, by adding Subdivision (5), to define "employee of a facility."

SECTION 3. Effective date: September 1, 2003.  
Makes application of this Act prospective.