

AN ACT

relating to the prosecution of the offenses of sexual assault and aggravated sexual assault.

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

SECTION 1. Section 22.011(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if the person:

(1) intentionally or knowingly:

(A) causes the penetration of the anus or ~~female~~ sexual organ of another person by any means, without that person's consent;

(B) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or

(C) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or

(2) intentionally or knowingly:

(A) causes the penetration of the anus or ~~female~~ sexual organ of a child by any means;

(B) causes the penetration of the mouth of a child by the sexual organ of the actor;

(C) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person,

1 including the actor;

2 (D) causes the anus of a child to contact the
3 mouth, anus, or sexual organ of another person, including the
4 actor; or

5 (E) causes the mouth of a child to contact the
6 anus or sexual organ of another person, including the actor.

7 SECTION 2. Section 22.021(a), Penal Code, is amended to
8 read as follows:

9 (a) A person commits an offense:

10 (1) if the person:

11 (A) intentionally or knowingly:

12 (i) causes the penetration of the anus or
13 ~~female~~ sexual organ of another person by any means, without that
14 person's consent;

15 (ii) causes the penetration of the mouth of
16 another person by the sexual organ of the actor, without that
17 person's consent; or

18 (iii) causes the sexual organ of another
19 person, without that person's consent, to contact or penetrate the
20 mouth, anus, or sexual organ of another person, including the
21 actor; or

22 (B) intentionally or knowingly:

23 (i) causes the penetration of the anus or
24 ~~female~~ sexual organ of a child by any means;

25 (ii) causes the penetration of the mouth of
26 a child by the sexual organ of the actor;

27 (iii) causes the sexual organ of a child to

1 contact or penetrate the mouth, anus, or sexual organ of another
2 person, including the actor;

3 (iv) causes the anus of a child to contact
4 the mouth, anus, or sexual organ of another person, including the
5 actor; or

6 (v) causes the mouth of a child to contact
7 the anus or sexual organ of another person, including the actor;
8 and

9 (2) if:

10 (A) the person:

11 (i) causes serious bodily injury or
12 attempts to cause the death of the victim or another person in the
13 course of the same criminal episode;

14 (ii) by acts or words places the victim in
15 fear that death, serious bodily injury, or kidnapping will be
16 imminently inflicted on any person;

17 (iii) by acts or words occurring in the
18 presence of the victim threatens to cause the death, serious bodily
19 injury, or kidnapping of any person;

20 (iv) uses or exhibits a deadly weapon in the
21 course of the same criminal episode;

22 (v) acts in concert with another who
23 engages in conduct described by Subdivision (1) directed toward the
24 same victim and occurring during the course of the same criminal
25 episode; or

26 (vi) administers or provides flunitrazepam,
27 otherwise known as rohypnol, gamma hydroxybutyrate, or ketamine to

1 the victim of the offense with the intent of facilitating the
2 commission of the offense;

3 (B) the victim is younger than 14 years of age;
4 or

5 (C) the victim is 65 years of age or older.

6 SECTION 3. (a) This Act takes effect September 1, 2003.

7 (b) The change in law made by this Act applies only to an
8 offense committed on or after September 1, 2003. An offense
9 committed before September 1, 2003, is covered by the law in effect
10 when the offense was committed, and the former law is continued in
11 effect for that purpose. For the purposes of this subsection, an
12 offense was committed before September 1, 2003, if any element of
13 the offense was committed before that date.

President of the Senate

Speaker of the House

I certify that H.B. No. 1246 was passed by the House on May 2, 2003, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 1246 was passed by the Senate on May 28, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor