

By: Riddle, Flores, et al.

H.B. No. 1246

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

8 (1) intentionally or knowingly:

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

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

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

18 (2) intentionally or knowingly:

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

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

23 (C) causes the sexual organ of a child to contact  
24 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.