

1-1 By: Riddle, et al. (Senate Sponsor - Hinojosa) H.B. No. 1246
1-2 (In the Senate - Received from the House May 5, 2003;
1-3 May 7, 2003, read first time and referred to Committee on Criminal
1-4 Justice; May 23, 2003, reported favorably by the following vote:
1-5 Yeas 4, Nays 0; May 23, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the prosecution of the offenses of sexual assault and
1-9 aggravated sexual assault.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 22.011(a), Penal Code, is amended to
1-12 read as follows:

1-13 (a) A person commits an offense if the person:

1-14 (1) intentionally or knowingly:

1-15 (A) causes the penetration of the anus or
1-16 [~~female~~] sexual organ of another person by any means, without that
1-17 person's consent;

1-18 (B) causes the penetration of the mouth of
1-19 another person by the sexual organ of the actor, without that
1-20 person's consent; or

1-21 (C) causes the sexual organ of another person,
1-22 without that person's consent, to contact or penetrate the mouth,
1-23 anus, or sexual organ of another person, including the actor; or

1-24 (2) intentionally or knowingly:

1-25 (A) causes the penetration of the anus or
1-26 [~~female~~] sexual organ of a child by any means;

1-27 (B) causes the penetration of the mouth of a
1-28 child by the sexual organ of the actor;

1-29 (C) causes the sexual organ of a child to contact
1-30 or penetrate the mouth, anus, or sexual organ of another person,
1-31 including the actor;

1-32 (D) causes the anus of a child to contact the
1-33 mouth, anus, or sexual organ of another person, including the
1-34 actor; or

1-35 (E) causes the mouth of a child to contact the
1-36 anus or sexual organ of another person, including the actor.

1-37 SECTION 2. Section 22.021(a), Penal Code, is amended to
1-38 read as follows:

1-39 (a) A person commits an offense:

1-40 (1) if the person:

1-41 (A) intentionally or knowingly:

1-42 (i) causes the penetration of the anus or
1-43 [~~female~~] sexual organ of another person by any means, without that
1-44 person's consent;

1-45 (ii) causes the penetration of the mouth of
1-46 another person by the sexual organ of the actor, without that
1-47 person's consent; or

1-48 (iii) causes the sexual organ of another
1-49 person, without that person's consent, to contact or penetrate the
1-50 mouth, anus, or sexual organ of another person, including the
1-51 actor; or

1-52 (B) intentionally or knowingly:

1-53 (i) causes the penetration of the anus or
1-54 [~~female~~] sexual organ of a child by any means;

1-55 (ii) causes the penetration of the mouth of
1-56 a child by the sexual organ of the actor;

1-57 (iii) causes the sexual organ of a child to
1-58 contact or penetrate the mouth, anus, or sexual organ of another
1-59 person, including the actor;

1-60 (iv) causes the anus of a child to contact
1-61 the mouth, anus, or sexual organ of another person, including the
1-62 actor; or

1-63 (v) causes the mouth of a child to contact
1-64 the anus or sexual organ of another person, including the actor;

2-1 and

2-2 (2) if:

2-3 (A) the person:

2-4 (i) causes serious bodily injury or
2-5 attempts to cause the death of the victim or another person in the
2-6 course of the same criminal episode;

2-7 (ii) by acts or words places the victim in
2-8 fear that death, serious bodily injury, or kidnapping will be
2-9 imminently inflicted on any person;

2-10 (iii) by acts or words occurring in the
2-11 presence of the victim threatens to cause the death, serious bodily
2-12 injury, or kidnapping of any person;

2-13 (iv) uses or exhibits a deadly weapon in the
2-14 course of the same criminal episode;

2-15 (v) acts in concert with another who
2-16 engages in conduct described by Subdivision (1) directed toward the
2-17 same victim and occurring during the course of the same criminal
2-18 episode; or

2-19 (vi) administers or provides flunitrazepam,
2-20 otherwise known as rohypnol, gamma hydroxybutyrate, or ketamine to
2-21 the victim of the offense with the intent of facilitating the
2-22 commission of the offense;

2-23 (B) the victim is younger than 14 years of age;

2-24 or

2-25 (C) the victim is 65 years of age or older.

2-26 SECTION 3. (a) This Act takes effect September 1, 2003.

2-27 (b) The change in law made by this Act applies only to an
2-28 offense committed on or after September 1, 2003. An offense
2-29 committed before September 1, 2003, is covered by the law in effect
2-30 when the offense was committed, and the former law is continued in
2-31 effect for that purpose. For the purposes of this subsection, an
2-32 offense was committed before September 1, 2003, if any element of
2-33 the offense was committed before that date.

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