

By: Whitmire

S.B. No. 825

A BILL TO BE ENTITLED

AN ACT

1
2 relating to amending Section 22.011, Penal Code, to make it a
3 criminal offense for certain persons employed by long-term care
4 facilities to have nonconsensual sex with persons residing in those
5 facilities; providing criminal penalties.

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

7 SECTION 1. Section 22.011(b), Penal Code, is amended by
8 amending subdivisions (9) and (10) and adding subdivision (11) to
9 read as follows:

10 (9) the actor is a mental health services provider or a
11 health care services provider who causes the other person, who is a
12 patient or former patient of the actor, to submit or participate by
13 exploiting the other person's emotional dependency on the actor;
14 [~~or~~]

15 (10) the actor is a clergyman who causes the other
16 person to submit or participate by exploiting the other person's
17 emotional dependency on the clergyman in the clergyman's
18 professional character as spiritual adviser; or

19 (11) the actor is an employee of a facility.

20 SECTION 2. Section 22.011(c), Penal Code, is amended by
21 adding subdivisions (5) and (6) to read as follows:

22 (5) "Employee" means a person who is an employee of a
23 facility or any other person who provides services for a facility
24 for compensation, including a contract laborer for the facility.

1 (6) "Facility" has the meaning assigned by Section
2 250.001(3), Health and Safety Code.

3 SECTION 3. Section 22.011, Penal Code, is amended by adding
4 Subsection (f) to read as follows:

5 (f) It is an exception to prosecution under subsection
6 (c)(3)(G) if the actor is married, either formally or informally
7 under chapter 2, Family Code, to the person.

8 SECTION 4. (a) The change in law made by this Act applies
9 only to an offense committed on or after the effective date of this
10 Act. For purposes of this section, an offense is committed before
11 the effective date of this Act if any element of the offense occurs
12 before the effective date.

13 (b) An offense committed before the effective date of this
14 Act is covered by the law in effect when the offense was committed,
15 and the former law is continued in effect for that purpose.

16 SECTION 5. EFFECTIVE DATE. This Act takes effect on
17 September 1, 2003.