

1-1 By: Williams S.B. No. 837
1-2 (In the Senate - Filed March 4, 2003; March 10, 2003, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 16, 2003, reported favorably by the following vote: Yeas 4,
1-5 Nays 0; April 16, 2003, sent to printer.)

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

1-8 relating to the offense of aggravated sexual assault against a
1-9 disabled or elderly individual.

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

1-11 SECTION 1. Subsections (a) and (b), Section 22.021, Penal
1-12 Code, are amended to read as follows:

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

1-14 (1) if the person:

1-15 (A) intentionally or knowingly:

1-16 (i) causes the penetration of the anus or
1-17 female sexual organ of another person by any means, without that
1-18 person's consent;

1-19 (ii) causes the penetration of the mouth of
1-20 another person by the sexual organ of the actor, without that
1-21 person's consent; or

1-22 (iii) causes the sexual organ of another
1-23 person, without that person's consent, to contact or penetrate the
1-24 mouth, anus, or sexual organ of another person, including the
1-25 actor; or

1-26 (B) intentionally or knowingly:

1-27 (i) causes the penetration of the anus or
1-28 female sexual organ of a child by any means;

1-29 (ii) causes the penetration of the mouth of
1-30 a child by the sexual organ of the actor;

1-31 (iii) causes the sexual organ of a child to
1-32 contact or penetrate the mouth, anus, or sexual organ of another
1-33 person, including the actor;

1-34 (iv) causes the anus of a child to contact
1-35 the mouth, anus, or sexual organ of another person, including the
1-36 actor; or

1-37 (v) causes the mouth of a child to contact
1-38 the anus or sexual organ of another person, including the actor; and

1-39 (2) if:

1-40 (A) the person:

1-41 (i) causes serious bodily injury or
1-42 attempts to cause the death of the victim or another person in the
1-43 course of the same criminal episode;

1-44 (ii) by acts or words places the victim in
1-45 fear that death, serious bodily injury, or kidnapping will be
1-46 imminently inflicted on any person;

1-47 (iii) by acts or words occurring in the
1-48 presence of the victim threatens to cause the death, serious bodily
1-49 injury, or kidnapping of any person;

1-50 (iv) uses or exhibits a deadly weapon in the
1-51 course of the same criminal episode;

1-52 (v) acts in concert with another who
1-53 engages in conduct described by Subdivision (1) directed toward the
1-54 same victim and occurring during the course of the same criminal
1-55 episode; or

1-56 (vi) administers or provides
1-57 flunitrazepam, otherwise known as rohypnol, gamma hydroxybutyrate,
1-58 or ketamine to the victim of the offense with the intent of
1-59 facilitating the commission of the offense;

1-60 (B) the victim is younger than 14 years of age; or

1-61 (C) the victim is an elderly individual or a
1-62 disabled individual [~~65 years of age or older~~].

1-63 (b) In this section:

1-64 (1) "Child" [~~,"child"~~] has the meaning assigned [~~that~~

2-1 ~~term~~] by Section 22.011(c).

2-2 (2) "Elderly individual" and "disabled individual"
2-3 have the meanings assigned by Section 22.04(c).

2-4 SECTION 2. (a) This Act takes effect September 1, 2003.

2-5 (b) The change in law made by this Act applies only to an
2-6 offense committed on or after the effective date of this Act. An
2-7 offense committed before the effective date of this Act is covered
2-8 by the law in effect when the offense was committed, and the former
2-9 law is continued in effect for that purpose. For purposes of this
2-10 subsection, an offense was committed before the effective date of
2-11 this Act if any element of the offense was committed before that
2-12 date.

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