

By: Deuell

S.B. No. 1898

A BILL TO BE ENTITLED

AN ACT

relating to the offense of aggravated sexual assault against a person with mental retardation.

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

SECTION 1. Sections 22.021(a) and (b), Penal Code, are amended to read as follows:

(a) A person commits an offense:

(1) if the person:

(A) intentionally or knowingly:

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

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

(iii) 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

(B) intentionally or knowingly:

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

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

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

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

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

10 (2) if:

11 (A) the person:

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

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

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

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

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

27 (vi) administers or provides

1 flunitrazepam, otherwise known as rohypnol, gamma hydroxybutyrate,  
2 or ketamine to the victim of the offense with the intent of  
3 facilitating the commission of the offense;

4 (B) the victim is younger than 14 years of age;  
5 [~~or~~]

6 (C) the victim is 65 years of age or older; or

7 (D) the victim is a person with mental  
8 retardation.

9 (b) In this section:

10 (1) "Child" [~~,"child"~~] has the meaning assigned [~~that~~  
11 ~~term~~] by Section 22.011(c).

12 (2) "Person with mental retardation" has the meaning  
13 assigned by Section 531.002, Health and Safety Code.

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

15 (b) The change in law made by this Act applies only to an  
16 offense committed on or after the effective date of this Act. An  
17 offense committed before the effective date of this Act is covered  
18 by the law in effect when the offense was committed, and the former  
19 law is continued in effect for that purpose. For purposes of this  
20 subsection, an offense was committed before the effective date of  
21 this Act if any element of the offense was committed before that  
22 date.