

By: Madden

H.B. No. 2385

Substitute the following for H.B. No. 2385:

By: Keel

C.S.H.B. No. 2385

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the prosecution of the offenses of indecency with a
3 child and sexual assault.

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

5 SECTION 1. Section 21.11, Penal Code, is amended by adding
6 Subsection (b-1) to read as follows:

7 (b-1) It is a defense to prosecution under this section
8 that:

9 (1) the victim was of the opposite sex of the actor;

10 (2) at the time of the offense the victim was 14 years
11 of age or older and the actor was younger than 20 years of age;

12 (3) the actor did not use duress, force, or a threat
13 against the victim at the time of the offense; and

14 (4) the actor through mistake formed a reasonable
15 belief that the victim was not more than three years younger than
16 the actor.

17 SECTION 2. Section 22.011, Penal Code, is amended by adding
18 Subsection (d-1) to read as follows:

19 (d-1) It is a defense to prosecution under Subsection (a)(2)
20 that:

21 (1) the victim was of the opposite sex of the actor;

22 (2) at the time of the offense the victim was 14 years
23 of age or older and the actor was younger than 20 years of age;

24 (3) the actor did not use duress, force, or a threat

1 against the victim at the time of the offense; and

2 (4) the actor through mistake formed a reasonable
3 belief that the victim was not more than three years younger than
4 the actor.

5 SECTION 3. The change in law made by this Act applies only
6 to an offense committed on or after the effective date of this Act.
7 An offense committed before the effective date of this Act is
8 covered by the law in effect on the date the offense was committed,
9 and the former law is continued in effect for that purpose. For
10 purposes of this section, an offense is committed before the
11 effective date of this Act if any element of the offense occurs
12 before the effective date.

13 SECTION 4. This Act takes effect September 1, 2005.