

By: Carona

S.B. No. 893

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the offense of indecency with a child.

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

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

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

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

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

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

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

SECTION 3. This Act takes effect September 1, 2005.