

1-1 By: Carona S.B. No. 893
1-2 (In the Senate - Filed March 2, 2005; March 10, 2005, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 14, 2005, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 4, Nays 1; April 14, 2005,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 893 By: Carona

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the prosecution of the offenses of indecency with a
1-11 child and sexual assault.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 21.11, Penal Code, is amended by adding
1-14 Subsection (b-1) to read as follows:

1-15 (b-1) It is a defense to prosecution under this section
1-16 that:

1-17 (1) the victim was of the opposite sex of the actor;

1-18 (2) at the time of the offense the victim was 15 years
1-19 of age or older and the actor was younger than 20 years of age;

1-20 (3) the actor did not use duress, force, or a threat
1-21 against the victim at the time of the offense; and

1-22 (4) the actor through mistake formed a reasonable
1-23 belief that the victim was not more than three years younger than
1-24 the actor.

1-25 SECTION 2. Section 22.011, Penal Code, is amended by adding
1-26 Subsection (d-1) to read as follows:

1-27 (d-1) It is a defense to prosecution under Subsection (a)(2)
1-28 that:

1-29 (1) the victim was of the opposite sex of the actor;

1-30 (2) at the time of the offense the victim was 15 years
1-31 of age or older and the actor was younger than 20 years of age;

1-32 (3) the actor did not use duress, force, or a threat
1-33 against the victim at the time of the offense; and

1-34 (4) the actor through mistake formed a reasonable
1-35 belief that the victim was not more than three years younger than
1-36 the actor.

1-37 SECTION 3. The change in law made by this Act applies only
1-38 to an offense committed on or after the effective date of this Act.
1-39 An offense committed before the effective date of this Act is
1-40 covered by the law in effect on the date the offense was committed,
1-41 and the former law is continued in effect for that purpose. For
1-42 purposes of this section, an offense is committed before the
1-43 effective date of this Act if any element of the offense occurs
1-44 before the effective date.

1-45 SECTION 4. This Act takes effect September 1, 2005.

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