

## **BILL ANALYSIS**

H.B. 549  
By: Raymond  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, it is not an affirmative defense to prosecution for an offense of indecency with a child, an offense of sexual assault of a child, an offense of engaging in an improper relationship between an educator and a student, or an offense relating to improper sexual activity with a person under the supervision of the Texas Department of Criminal Justice, the Texas Youth Commission, or a local juvenile probation department that the actor was the spouse of the child at the time of the offense.

H.B. 549 establishes an affirmative defense to the prosecution for these offenses if the actor was the spouse of the child at the time of the offense.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 549 amends the Penal Code to establish an affirmative defense to prosecution for an offense of indecency with a child and an offense of sexual assault of a child if the actor was the spouse of the child at the time of the offense. The bill establishes an affirmative defense to prosecution for an offense of engaging in an improper relationship between an educator and a student if the actor was the spouse of the enrolled person at the time of the offense. The bill establishes an affirmative defense to prosecution for an offense relating to improper sexual activity with a person under the supervision of the Texas Department of Criminal Justice, the Texas Youth Commission, or a local juvenile probation department if the actor was the spouse of the individual at the time of the offense.

### **EFFECTIVE DATE**

September 1, 2009.