

BILL ANALYSIS

H.B. 2385
By: Castro
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, an incest offense is a third degree felony, except when an actor engages in sexual intercourse or deviate sexual behavior with his or her cousin. In that case, the penalty is a second degree felony. Thus, the punishment for an individual engaging in sexual intercourse with the individual's cousin is actually more severe than if an individual performed the same activity with the individual's mother, father, stepchild, or sibling. This is clearly not the original legislative intent of the law.

H.B. 2385 increases from a third degree felony to a second degree felony the penalty for engaging in sexual intercourse or deviate sexual intercourse with the actor's ancestor or descendent by blood or adoption.

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. 2385 amends the Penal Code to increase from a third degree felony to a second degree felony the penalty for engaging in sexual intercourse or deviate sexual intercourse with another person the actor knows to be, without regard to legitimacy, the actor's ancestor or descendant by blood or adoption, rather than the son or daughter of the actor's aunt or uncle of the whole or half blood or by adoption.

EFFECTIVE DATE

September 1, 2009.