

BILL ANALYSIS

C.S.H.B. 3680
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In the past, Texas law contained an offense of contributing to delinquency of a child. It was inadvertently stricken from statute in the late 1990s and never replaced.

Today, law enforcement officials face a difficult decision when addressing a case that fits the legal definition of a more serious offense, but the circumstances under which the offense took place make it obvious that the case is an exception to the intent of the law. One of the more common examples is a consensual sexual act committed between two teenagers, one of whom is legally an adult, the other of whom is just under the age of consent.

In these instances there is a need to allow a prosecutor to charge the actor with a crime without having to resort to a crime befitting a more predatory situation. It is also important to avoid removing any existing tools from prosecutors, so that they may use their discretion to determine whether the situation fits the definition of a more sinister offense.

C.S.H.B. 3680 creates the offense of contributing to the delinquency of a child, allowing prosecutors to match a number of crimes with a more appropriate 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

C.S.H.B. 3680 amends the Penal Code to create the offense of contributing to the delinquency of a child for a person who is 17 years of age or older and who intentionally, knowingly, or recklessly causes or encourages a child to engage in specific conduct that, under the circumstances surrounding the actor's conduct, would cause the child to be present during the commission of another offense under the Penal Code or to enter or remain in a place where prostitution is practiced or where a controlled substance, a controlled substance analogue, drug paraphernalia, or marijuana is used, possessed, manufactured, or distributed. The bill makes it a third degree felony if the actor commits the offense intentionally or knowingly and makes it a Class A misdemeanor if the actor commits the offense recklessly.

C.S.H.B. 3680 establishes that, if conduct constituting such an offense also constitutes another offense under the Penal Code, the actor may be prosecuted under either offense or both. The bill defines "child" as any person younger than 17 years of age.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3680 removes a provision in the original establishing that it is not a defense to prosecution for the offense of contributing to the delinquency of a child that the actor did not know that the victim was a child.