

By: Coleman

H.B. No. 3564

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the prosecution of certain conduct constituting the  
3 offense of indecency with a child.

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

5 SECTION 1. Section 21.11(b), Penal Code, is amended to read  
6 as follows:

7 (b) It is an affirmative defense to prosecution under this  
8 section that the actor:

9 (1) was not more than three years older than the victim  
10 [~~and of the opposite sex~~];

11 (2) did not use duress, force, or a threat against the  
12 victim at the time of the offense; and

13 (3) at the time of the offense:

14 (A) was not required under Chapter 62, Code of  
15 Criminal Procedure, to register for life as a sex offender; or

16 (B) was not a person who under Chapter 62 had a  
17 reportable conviction or adjudication for an offense under this  
18 section.

19 SECTION 2. The change in law made by this Act applies only  
20 to an offense committed on or after the effective date of this Act.  
21 An offense committed before the effective date of this Act is  
22 covered by the law in effect when the offense was committed, and the  
23 former law is continued in effect for that purpose. For purposes of  
24 this section, an offense was committed before the effective date of

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1 this Act if any element of the offense was committed before that  
2 date.

3 SECTION 3. This Act takes effect September 1, 2009.