

By: Riddle

H.B. No. 3680

A BILL TO BE ENTITLED

AN ACT

relating to creating the offense of contributing to the delinquency of a child.

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

SECTION 1. Chapter 22, Penal Code, is amended by adding Section 22.042 to read as follows:

Sec. 22.042. CONTRIBUTING TO DELINQUENCY OF A CHILD. (a) A person commits an offense if the person is 17 years of age or older and intentionally, knowingly, or recklessly causes or encourages a child to:

(1) engage in specific conduct that, under the circumstances surrounding the actor's conduct, would cause the child to be present during the commission of an offense under another section of this code; or

(2) enter or remain in a place where:

(A) a controlled substance, a controlled substance analogue, drug paraphernalia, or marijuana, as defined by Chapter 481, Health and Safety Code, is used, possessed, manufactured, or distributed; or

(B) prostitution is practiced.

(b) In this section, "child" means any person younger than 17 years of age.

(c) An offense under this section is a felony of the third degree if the actor commits the offense intentionally or knowingly.

1 If the actor commits the offense recklessly, the offense is a Class
2 A misdemeanor.

3 (d) It is not a defense to prosecution under this section
4 that the actor did not know that the victim was a child.

5 (e) If conduct constituting an offense under this section
6 also constitutes an offense under another section of this code, the
7 actor may be prosecuted under either section or under both
8 sections.

9 SECTION 2. This Act takes effect September 1, 2009.