

Amend HB 41 (house committee printing) as follows:

(1) On page 1, line 8, strike "and (c-3)" and substitute "(c-3), (c-4), and (c-5)".

(2) On page 2, line 2, between "a" and "search", insert "constitutionally unreasonable".

(3) On page 2, line 5, strike the colon and substitute ", and in violation of the United States Constitution, touches the sexual organ, breast, buttocks, or anus of the other person, including touching through clothing.".

(4) On page 2, strike lines 6-11.

(5) On page 3, lines 3 and 4, strike "with an explicit and applicable grant of federal statutory authority that is consistent".

(6) On page 3, between lines 16 and 17, insert the following:

(c-4) It is a defense to prosecution for a person described by Subsection (c-1)(1) or (2) that a reasonable person in the defendant's position would have believed the defendant's conduct to be lawful.

(c-5) This section shall be construed, as a matter of state law, to be enforceable up to but no further than the maximum possible extent consistent with federal constitutional requirements, even if that construction is not readily apparent, as such constructions are authorized only to the extent necessary to save the section from judicial invalidation. If any court determines that a provision of this section is unconstitutionally vague, the court shall interpret the provision, as a matter of state law, to avoid the vagueness issue and shall enforce the provision to the maximum possible extent.

(7) On page 4, strike lines 12-17.

(8) On page 4, line 18, strike "SECTION 4" and substitute "SECTION 3".