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FLOOR AMENDMENT NO. _____

BY:

1 Amend C.H.S.B. No. 227 (house committee report) by adding
2 the following appropriately numbered SECTIONS to the bill and
3 renumbering the remaining SECTIONS of the bill accordingly:

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

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

8 (1) was [~~not more than three years older than the~~
9 ~~victim and~~] of the opposite sex and not more than three years
10 older than the victim, or not more than five years older if both
11 the actor and victim were enrolled in a public or private school
12 in grade level nine or above at the time of the offense;

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

15 (3) at the time of the offense:

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

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

21 SECTION ___. Section 22.011(e), Penal Code, is amended to
22 read as follows:

23 (e) It is an affirmative defense to prosecution under
24 Subsection (a)(2):

25 (1) that the actor was the spouse of the child at the
26 time of the offense; or

27 (2) that:

28 (A) the actor was not more than three years
29 older than the victim, or not more than five years older if both

1 the actor and victim were enrolled in a public or private school
2 in grade level nine or above at the time of the offense, and at
3 the time of the offense:

4 (i) was not required under Chapter 62, Code
5 of Criminal Procedure, to register for life as a sex offender;
6 or

7 (ii) was not a person who under Chapter 62,
8 Code of Criminal Procedure, had a reportable conviction or
9 adjudication for an offense under this section; and

10 (B) the victim:

11 (i) was a child of 14 years of age or
12 older; and

13 (ii) was not a person whom the actor was
14 prohibited from marrying or purporting to marry or with whom the
15 actor was prohibited from living under the appearance of being
16 married under Section 25.01.

17 SECTION ____. Sections 21.11 and 22.011, Penal Code, as
18 amended by this Act, apply only to an offense committed on or
19 after the effective date of this Act. An offense committed
20 before the effective date of this Act is governed by the law in
21 effect at the time of the offense, and the former law is
22 continued in effect for that purpose. For purposes of this
23 section, an offense was committed before the effective date of
24 this Act if any element of the offense occurred before that
25 date.