By: Burkett H.B. No. 1344

A BILL TO BE ENTITLED

AN ACT

relating to certain defenses to prosecution for the offense of sale, distribution, or display of harmful material to a minor.

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

SECTION 1. Section 43.24, Penal Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) It is an affirmative [~~a~~] defense to prosecution under this section that[~~:~~

[~~(1)~~] the sale, distribution, or exhibition was by a person having scientific, educational, governmental, or other similar justification[~~; or~~

[~~(2) the sale, distribution, or exhibition was to a minor who was accompanied by a consenting parent, guardian, or spouse~~].

(c-1) It is a defense to prosecution under this section that the actor was the spouse of the minor at the time of the offense.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect at the time the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was

committed before that date.

SECTION 3. This Act takes effect September 1, 2011.