

By: Simpson

H.B. No. 1937

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the offensive touching of persons seeking access to
3 public buildings and transportation; providing penalties.

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

5 SECTION 1. Section 22.011, Penal Code, is amended by
6 amending Subsections (a) and (f) and adding Subsection (g) to read
7 as follows:

8 (a) A person commits an offense if the person:

9 (1) intentionally or knowingly:

10 (A) causes the penetration of the anus or sexual
11 organ of another person by any means, without that person's
12 consent;

13 (B) causes the penetration of the mouth of
14 another person by the sexual organ of the actor, without that
15 person's consent; or

16 (C) causes the sexual organ of another person,
17 without that person's consent, to contact or penetrate the mouth,
18 anus, or sexual organ of another person, including the actor; ~~or~~

19 (2) intentionally or knowingly:

20 (A) causes the penetration of the anus or sexual
21 organ of a child by any means;

22 (B) causes the penetration of the mouth of a
23 child by the sexual organ of the actor;

24 (C) causes the sexual organ of a child to contact

1 or penetrate the mouth, anus, or sexual organ of another person,
2 including the actor;

3 (D) causes the anus of a child to contact the
4 mouth, anus, or sexual organ of another person, including the
5 actor; or

6 (E) causes the mouth of a child to contact the
7 anus or sexual organ of another person, including the actor; or

8 (3) as part of a search performed to grant access to a
9 publicly accessible building or form of transportation,
10 intentionally, knowingly, or recklessly:

11 (A) searches another person without probable
12 cause to believe the person committed an offense; and

13 (B) touches the anus, sexual organ, or breasts of
14 the other person, including touching through clothing, or touches
15 the other person in a manner that would be offensive to a reasonable
16 person.

17 (f) An offense under Subsections (a)(1) and (a)(2) [~~this~~
18 ~~section~~] is a felony of the second degree, except that an offense
19 under Subsections (a)(1) and (a)(2) [~~this section~~] is a felony of
20 the first degree if the victim was a person whom the actor was
21 prohibited from marrying or purporting to marry or with whom the
22 actor was prohibited from living under the appearance of being
23 married under Section 25.01. An offense under Subsection (a)(3) is
24 a state jail felony.

25 (g) With the consent of the appropriate local county or
26 district attorney, the attorney general has concurrent
27 jurisdiction with that consenting local prosecutor to prosecute an

1 offense under Subsection (a)(3).

2 SECTION 2. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2011.