

By: Gallego

H.B. No. 3473

A BILL TO BE ENTITLED

AN ACT

relating to a defense to prosecution for a child younger than 14 years old for the offense of prostitution.

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

SECTION 1. Section 43.02, Penal Code, is amended by amending Subsection (d) and adding Subsection (e) to read as follows:

(d) It is a defense to prosecution under this section that the actor engaged in the conduct that constitutes the offense:

(1) because the actor was the victim of conduct that constitutes an offense under Section 20A.02; or

(2) was a child younger than 14 years old and was forced to commit the conduct by a person who is 18 years of age or older.

(e) The exception provided by Subsection (d)(2) applies to any other proceeding under state law.

SECTION 2. (a) The change in law made by this Act in amending Section 43.02, Penal Code, applies only to an offense committed on or after the effective date of this Act.

(b) An offense committed before the effective date of this Act is governed by the law in effect on the date 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

1 occurred before that date.

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