

By: King of Taylor

H.B. No. 1010

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the penalty for causing certain assaultive physical  
3 contact with a child.

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

5 SECTION 1. The legislature finds that legislative action is  
6 necessary to prevent, deter, and punish inappropriate physical  
7 contact of children by adults that is:

8 (1) specifically intended to harm a child emotionally  
9 and sexually; and

10 (2) does not otherwise qualify as prohibited sexual  
11 conduct under current criminal law.

12 SECTION 2. Section 22.01(c), Penal Code, is amended to read  
13 as follows:

14 (c) An offense under Subsection (a)(2) or (3) is a Class C  
15 misdemeanor, except that the offense is:

16 (1) a Class A misdemeanor if the offense is committed  
17 under Subsection (a)(3) against an elderly individual or disabled  
18 individual, as those terms are defined by Section 22.04; ~~or~~

19 (2) a Class A misdemeanor if the offense is committed  
20 under Subsection (a)(3) by a person who is 17 years of age or older  
21 against a child as defined by Section 22.04; or

22 (3) a Class B misdemeanor if the offense is committed  
23 by a person who is not a sports participant against a person the  
24 actor knows is a sports participant either:

1 (A) while the participant is performing duties or  
2 responsibilities in the participant's capacity as a sports  
3 participant; or

4 (B) in retaliation for or on account of the  
5 participant's performance of a duty or responsibility within the  
6 participant's capacity as a sports participant.

7 SECTION 3. Section 22.01(e), Penal Code, is amended by  
8 adding Subdivision (2) to read as follows:

9 (2) "Child," "disabled individual," and "elderly  
10 individual" have the meanings assigned by Section 22.04.

11 SECTION 4. The change in law made by this Act applies only  
12 to an offense committed on or after the effective date of this Act.  
13 An offense committed before the effective date of this Act is  
14 governed by the law in effect on the date the offense was committed,  
15 and the former law is continued in effect for that purpose. For  
16 purposes of this section, an offense was committed before the  
17 effective date of this Act if any element of the offense occurred  
18 before that date.

19 SECTION 5. This Act takes effect September 1, 2013.