

By: King of Taylor

H.B. No. 1010

Substitute the following for H.B. No. 1010:

By: Herrero

C.S.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, Penal Code, is amended by adding
13 Subsections (a-1), (c-1), and (c-2) and amending Subsection (c) to
14 read as follows:

15 (a-1) A person who is 17 years of age or older commits an
16 offense if:

17 (1) the person intentionally or knowingly causes
18 physical contact with a child; and

19 (2) a reasonable person would regard that contact as:

20 (A) offensive and sexual in nature; and

21 (B) likely to precede sexual conduct that is
22 prohibited under Chapter 21 or 22.

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

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

4 (2) a Class B misdemeanor if the offense is committed
5 by a person who is not a sports participant against a person the
6 actor knows is a sports participant either:

7 (A) while the participant is performing duties or
8 responsibilities in the participant's capacity as a sports
9 participant; or

10 (B) in retaliation for or on account of the
11 participant's performance of a duty or responsibility within the
12 participant's capacity as a sports participant.

13 (c-1) An offense under Subsection (a-1) is a Class A
14 misdemeanor.

15 (c-2) The affirmative defense provided by Section 22.011(e)
16 applies to an offense under Subsection (a-1).

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

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

21 SECTION 4. The change in law made by this Act applies only
22 to an offense committed on or after the effective date of this Act.
23 An offense committed before the effective date of this Act is
24 governed by the law in effect on the date the offense was committed,
25 and the former law is continued in effect for that purpose. For
26 purposes of this section, an offense was committed before the
27 effective date of this Act if any element of the offense occurred

1 before that date.

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