

By: Whitmire

S.B. No. 1316

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the prosecution of the offense of indecency with a
3 child.

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

5 SECTION 1. Section 21.11(b), Penal Code, is amended to read
6 as follows:

7 (b) It is an affirmative defense to prosecution under this
8 section that the actor:

9 (1) was not more than three years older than the victim
10 [~~and of the opposite sex~~];

11 (2) did not use duress, force, or a threat against the
12 victim at the time of the offense; and

13 (3) at the time of the offense:

14 (A) was not required under Chapter 62, Code of
15 Criminal Procedure, to register for life as a sex offender; or

16 (B) was not a person who under Chapter 62 had a
17 reportable conviction or adjudication for an offense under this
18 section.

19 SECTION 2. The change in law made by this Act applies only
20 to an offense committed on or after the effective date of this Act.
21 An offense committed before the effective date of this Act is
22 governed by the law in effect on the date the offense was committed,
23 and the former law is continued in effect for that purpose. For
24 purposes of this section, an offense was committed before the

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1 effective date of this Act if any element of the offense occurred
2 before that date.

3 SECTION 3. This Act takes effect September 1, 2013.