

Amend HB 71 (house committee report) as follows:

(1) On page 1, line 12, strike "and" and substitute "~~and~~".

(2) On page 1, line 18, between "section" and the period, insert the following:

; and

(4) did not provide to the victim alcohol or another impairing substance that rendered the victim physically unable to resist

(3) On page 1, line 19, between "Act" and "applies", insert "in amending Section 21.11(b)(1), Penal Code,".

(4) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 22.011(e), Penal Code, is amended to read as follows:

(e) It is an affirmative defense to prosecution under Subsection (a)(2):

(1) that the actor was the spouse of the child at the time of the offense; or

(2) that:

(A) the actor was not more than three years older than the victim and at the time of the offense:

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

(ii) was not a person who under Chapter 62, Code of Criminal Procedure, had a reportable conviction or adjudication for an offense under this section; and

(B) the victim:

(i) was a child of 14 years of age or older;
~~and~~

(ii) was not a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section 25.01; and

(iii) was not physically unable to resist as a result of alcohol or another impairing substance that the actor provided to the victim.

SECTION _____. The changes in law made by this Act in adding

Section 21.11(b)(4), Penal Code, and amending Section 22.011(e), Penal Code, apply only to an offense committed on or after the effective date of this Act. 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 occurred before that date.