

By: Sheets

H.B. No. 1342

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the prosecution of the offense of sexual assault  
3 committed against certain victims.

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

5 SECTION 1. Section 22.011(e), Penal Code, is amended to  
6 read as follows:

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

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

11 (2) that:

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

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

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

19 (B) the victim:

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

21 [~~and~~]

22 (ii) was not a person whom the actor was  
23 prohibited from marrying or purporting to marry or with whom the  
24 actor was prohibited from living under the appearance of being

1 married under Section [25.01](#); and  
2 (iii) was not physically unable to resist  
3 as a result of alcohol or another impairing substance that the actor  
4 provided to the victim.

5 SECTION 2. The change in law made by this Act applies only  
6 to an offense committed on or after the effective date of this Act.  
7 An offense committed before the effective date of this Act is  
8 governed by the law in effect on the date the offense was committed,  
9 and the former law is continued in effect for that purpose. For  
10 purposes of this section, an offense was committed before the  
11 effective date of this Act if any element of the offense occurred  
12 before that date.

13 SECTION 3. This Act takes effect September 1, 2015.