

BILL ANALYSIS

H.B. 85
By: González, Mary
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been noted that the affirmative defense for indecency with a child that applies to certain consensual relationships between individuals of a similar age is not available to adolescents in same-sex relationships. Concerns have been raised about the penalties that these adolescents can face, such as being required to register as a sex offender. H.B. 85 seeks to provide adolescents in a same-sex relationship the same opportunity to use this affirmative defense as is given to adolescents in a relationship with someone of the opposite sex.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 85 amends the Penal Code to remove from the conditions constituting the affirmative defense to prosecution for indecency with a child the condition that the actor was the opposite sex of the victim.

EFFECTIVE DATE

September 1, 2019.