

## **BILL ANALYSIS**

H.B. 667  
By: King, Ken  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

It has been suggested that the current means through which the penalty for the sexual assault of a family member is enhanced creates confusion when attempting to determine whether the victim is someone with whom the actor is prohibited from engaging in sexual conduct. H.B. 667 seeks to address this issue by revising the penalty enhancement for certain conduct constituting sexual assault.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes 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. 667 amends the Penal Code to establish as an affirmative defense to prosecution for sexual assault against a person younger than 17 years of age but 14 years of age or older that:

- the actor was not more than three years older than the victim and at the time of the offense was not required to register for life as a sex offender or was not a person who had a reportable conviction or adjudication under the sex offender registration program for sexual assault; and
- the victim was not a person with whom the actor was prohibited from engaging in sexual intercourse or deviate sexual intercourse under state law establishing the offense of prohibited sexual conduct.

H.B. 667 enhances from a second degree felony to a first degree felony the penalty for sexual assault if the victim was a person with whom the actor was prohibited from engaging in sexual intercourse or deviate sexual intercourse under that state law.

### **EFFECTIVE DATE**

September 1, 2019.