

By: González of El Paso

H.B. No. 85

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the offense of indecency with a child.

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

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

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

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

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

(3) at the time of the offense:

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

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

SECTION 2. The change in law made by this Act applies to an offense committed on or after the effective date of this Act and to any criminal action pending on the effective date of this Act for an offense committed before that effective date. A final conviction for an offense under Section 21.11, Penal Code, that exists on the effective date of this Act is unaffected by this Act.

1 SECTION 3. This Act takes effect September 1, 2019.