

By: González of El Paso

H.B. No. 85

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the prosecution of the offense of indecency with a
3 child.

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

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

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

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

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

13 (3) at the time of the offense:

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

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

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

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