

By: King of Hemphill, Flynn

H.B. No. 667

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of and punishment for the offense of sexual assault; enhancing a criminal penalty.

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

SECTION 1. This Act shall be known as Melissa's Law.

SECTION 2. Sections 22.011(e) and (f), Penal Code, are amended to read as follows:

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

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

(2) that:

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

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

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

(B) the victim:

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

(ii) was not:

(a) a person whom the actor was

1 prohibited from marrying or purporting to marry or with whom the  
2 actor was prohibited from living under the appearance of being  
3 married under Section 25.01; or

4 (b) a person with whom the actor was  
5 prohibited from engaging in sexual intercourse or deviate sexual  
6 intercourse under Section 25.02.

7 (f) An offense under this section is a felony of the second  
8 degree, except that an offense under this section is a felony of the  
9 first degree if the victim was:

10 (1) a person whom the actor was prohibited from  
11 marrying or purporting to marry or with whom the actor was  
12 prohibited from living under the appearance of being married under  
13 Section 25.01; or

14 (2) a person with whom the actor was prohibited from  
15 engaging in sexual intercourse or deviate sexual intercourse under  
16 Section 25.02.

17 SECTION 3. The changes in law made by this Act apply only to  
18 an offense committed on or after the effective date of this Act. An  
19 offense committed before the effective date of this Act is governed  
20 by the law in effect when the offense was committed, and the former  
21 law is continued in effect for that purpose. For purposes of this  
22 section, an offense was committed before the effective date of this  
23 Act if any element of the offense occurred before that date.

24 SECTION 4. This Act takes effect September 1, 2019.