

By: Flynn

H.B. No. 707

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. 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 prohibited from marrying or purporting to marry or with whom the

1 actor was prohibited from living under the appearance of being  
2 married under Section [25.01](#); or

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

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

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

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

16 SECTION 2. The changes in law made by this Act apply only to  
17 an offense committed on or after the effective date of this Act. An  
18 offense committed before the effective date of this Act is governed  
19 by the law in effect on the date the offense was committed, and the  
20 former law is continued in effect for that purpose. For purposes of  
21 this section, an offense was committed before the effective date of  
22 this Act if any element of the offense occurred before that date.

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