

By: Cain

H.B. No. 3135

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to affirmative defenses to prosecution for certain  
3 offenses involving material or conduct that is obscene or otherwise  
4 harmful to children.

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

6 SECTION 1. Section 43.25(f), Penal Code, is amended to read  
7 as follows:

8 (f) It is an affirmative defense to a prosecution under this  
9 section that:

10 (1) the defendant was the spouse of the child at the  
11 time of the offense;

12 (2) the conduct was for a bona fide [~~educational,~~  
13 ~~medical, psychological, psychiatric, judicial,~~ law enforcement[~~,~~  
14 ~~or legislative~~] purpose; or

15 (3) the defendant is not more than two years older than  
16 the child.

17 SECTION 2. Section 43.24(c), Penal Code, is repealed.

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

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