

By: Howard

H.B. No. 4289

A BILL TO BE ENTITLED

AN ACT

relating to the punishment for the criminal offense of indecent assault; increasing a criminal penalty.

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

SECTION 1. Section 22.012(b), Penal Code, is amended to read as follows:

(b) An offense under this section is a Class A misdemeanor, except that the offense is:

(1) a state jail felony if it is shown on the trial of the offense that:

(A) the defendant has been previously convicted of an offense under this section, other than an offense punishable under Paragraph (B); or

(B) at the time of the offense the defendant was employed or volunteering as an instructional trainer, coach, or tutor for an athletic or educational activity, and:

(i) the defendant was training, coaching, or tutoring the victim as part of the activity and knew or had reason to believe that the victim was enrolled in a public or private primary or secondary school; or

(ii) the defendant was attending an athletic or educational activity held primarily for students enrolled in school as described by Subparagraph (i) and knew or had reason to believe that the victim was a student participant; or

1 (2) a felony of the third degree if it is shown on the
2 trial of the offense that the defendant has been previously
3 convicted of an offense under this section that is punishable under
4 Subdivision (1)(B).

5 SECTION 2. The changes in law made by this Act apply only to
6 an offense committed on or after the effective date of this Act. An
7 offense committed before the effective date of this Act is governed
8 by the law in effect on the date the offense was committed, and the
9 former law is continued in effect for that purpose. For purposes of
10 this section, an offense was committed before the effective date of
11 this Act if any element of the offense occurred before that date.

12 SECTION 3. This Act takes effect September 1, 2021.