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| BILL ANALYSIS |

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| C.S.H.B. 2055 |
| By: Jones, Venton |
| Criminal Jurisprudence |
| Committee Report (Substituted) |

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| **BACKGROUND AND PURPOSE**  In the 1980s and 1990s, in response to the HIV/AIDS epidemic, many states, including Texas, enacted laws that required various educational materials for children and youth to include language emphasizing that homosexual conduct is a criminal offense, which is still in effect to this day. These laws may lead to discrimination as a result of sexual orientation. C.S.H.B. 2055 seeks to remove language in these materials emphasizing that homosexual conduct is a criminal offense. |
| **CRIMINAL JUSTICE IMPACT**  It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision. |
| **RULEMAKING AUTHORITY**  It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution. |
| **ANALYSIS**  C.S.H.B. 2055 repeals Penal Code provisions that create the Class C misdemeanor offense of homosexual conduct for a person who engages in deviate sexual intercourse with another individual of the same sex.  C.S.H.B. 2055 amends the Health and Safety Code to remove the following:   * the requirement that materials in health education programs developed for minors by the Department of State Health Services state that homosexual conduct is a criminal offense; and * the directive for certain course materials and instruction suitable for school age children relating to sexual education or sexually transmitted diseases to emphasize that homosexual conduct is a criminal offense.   C.S.H.B. 2055 repeals Section 21.06, Penal Code. |
| **EFFECTIVE DATE**  On passage, or, if the bill does not receive the necessary vote, September 1, 2023. |
| **COMPARISON OF INTRODUCED AND SUBSTITUTE**  While C.S.H.B. 2055 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.  The introduced removed the following statutory requirements:   * for materials in health education programs developed by the Department of State Health Services to state that homosexual conduct is not an acceptable lifestyle; and * for certain course materials and instruction suitable for school age children to emphasize, in a factual manner from a public health perspective, that homosexuality is not a lifestyle acceptable to the general public.   The substitute does not remove those requirements. |