

By: Johnson

S.B. No. 81

A BILL TO BE ENTITLED

AN ACT

relating to certain statutory changes to reflect and address same-sex marriages and parenting relationships and to the removal of provisions regarding the criminality or unacceptability of homosexual conduct.

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

ARTICLE 1. FAMILY CODE PROVISIONS

SECTION 1.01. Subchapter A, Chapter 1, Family Code, is amended by adding Section 1.0015 to read as follows:

Sec. 1.0015. CONSTRUCTION OF GENDER-SPECIFIC TERMINOLOGY.
When necessary to implement the rights and duties of spouses or parents in a marriage between persons of the same sex under the laws of this state, gender-specific terminology must be construed in a neutral manner to refer to a person of either gender.

SECTION 1.02. Section 2.001(a), Family Code, is amended to read as follows:

(a) Two individuals [~~A man and a woman~~] desiring to enter into a ceremonial marriage must obtain a marriage license from the county clerk of any county of this state.

SECTION 1.03. Section 2.004(b), Family Code, is amended to read as follows:

(b) The application form must contain:
(1) a heading entitled "Application for Marriage License, _____ County, Texas";

1 (2) spaces for each applicant's full name, including
2 the [~~woman's maiden~~] surname of an applicant intending to change
3 the applicant's surname as a result of the marriage, address,
4 social security number, if any, date of birth, and place of birth,
5 including city, county, and state;

6 (3) a space for indicating the document tendered by
7 each applicant as proof of identity and age;

8 (4) spaces for indicating whether each applicant has
9 been divorced within the last 30 days;

10 (5) printed boxes for each applicant to check "true"
11 or "false" in response to the following statement: "I am not
12 presently married and the other applicant is not presently
13 married.";

14 (6) printed boxes for each applicant to check "true"
15 or "false" in response to the following statement: "The other
16 applicant is not related to me as:

17 (A) an ancestor or descendant, by blood or
18 adoption;

19 (B) a brother or sister, of the whole or half
20 blood or by adoption;

21 (C) a parent's brother or sister, of the whole or
22 half blood or by adoption;

23 (D) a son or daughter of a brother or sister, of
24 the whole or half blood or by adoption;

25 (E) a current or former stepchild or stepparent;

26 or

27 (F) a son or daughter of a parent's brother or

1 sister, of the whole or half blood or by adoption.";

2 (7) printed boxes for each applicant to check "true"
3 or "false" in response to the following statement: "I am not
4 presently delinquent in the payment of court-ordered child
5 support.";

6 (8) a printed oath reading: "I SOLEMNLY SWEAR (OR
7 AFFIRM) THAT THE INFORMATION I HAVE GIVEN IN THIS APPLICATION IS
8 CORRECT.";

9 (9) spaces immediately below the printed oath for the
10 applicants' signatures;

11 (10) a certificate of the county clerk that:

12 (A) each applicant made the oath and the date and
13 place that it was made; or

14 (B) an applicant did not appear personally but
15 the prerequisites for the license have been fulfilled as provided
16 by this chapter;

17 (11) spaces for indicating the date of the marriage
18 and the county in which the marriage is performed;

19 (12) a space for the address to which the applicants
20 desire the completed license to be mailed; and

21 (13) a printed box for each applicant to check
22 indicating that the applicant wishes to make a voluntary
23 contribution of \$5 to promote healthy early childhood by supporting
24 the Texas Home Visiting Program administered by the Office of Early
25 Childhood Coordination of the Health and Human Services Commission.

26 SECTION 1.04. Section [2.401\(a\)](#), Family Code, is amended to
27 read as follows:

1 (a) In a judicial, administrative, or other proceeding, the
2 marriage of two individuals [~~a man and woman~~] may be proved by
3 evidence that:

4 (1) a declaration of their marriage has been signed as
5 provided by this subchapter; or

6 (2) the individuals [~~man and woman~~] agreed to be
7 married and after the agreement they lived together in this state as
8 spouses [~~husband and wife~~] and there represented to others that
9 they were married.

10 SECTION 1.05. Section 2.402(b), Family Code, is amended to
11 read as follows:

12 (b) The declaration form must contain:

13 (1) a heading entitled "Declaration and Registration
14 of Informal Marriage, _____ County, Texas";

15 (2) spaces for each party's full name, including the
16 [~~woman's maiden~~] surname of a party intending to change the party's
17 surname as a result of the marriage, address, date of birth, place
18 of birth, including city, county, and state, and social security
19 number, if any;

20 (3) a space for indicating the type of document
21 tendered by each party as proof of age and identity;

22 (4) printed boxes for each party to check "true" or
23 "false" in response to the following statement: "The other party is
24 not related to me as:

25 (A) an ancestor or descendant, by blood or
26 adoption;

27 (B) a brother or sister, of the whole or half

1 blood or by adoption;

2 (C) a parent's brother or sister, of the whole or
3 half blood or by adoption;

4 (D) a son or daughter of a brother or sister, of
5 the whole or half blood or by adoption;

6 (E) a current or former stepchild or stepparent;
7 or

8 (F) a son or daughter of a parent's brother or
9 sister, of the whole or half blood or by adoption.";

10 (5) a printed declaration and oath reading: "I
11 SOLEMNLY SWEAR (OR AFFIRM) THAT WE, THE UNDERSIGNED, ARE MARRIED TO
12 EACH OTHER BY VIRTUE OF THE FOLLOWING FACTS: ON OR ABOUT (DATE) WE
13 AGREED TO BE MARRIED, AND AFTER THAT DATE WE LIVED TOGETHER AS
14 SPOUSES [~~HUSBAND AND WIFE~~] AND IN THIS STATE WE REPRESENTED TO
15 OTHERS THAT WE WERE MARRIED. SINCE THE DATE OF MARRIAGE TO THE OTHER
16 PARTY I HAVE NOT BEEN MARRIED TO ANY OTHER PERSON. THIS DECLARATION
17 IS TRUE AND THE INFORMATION IN IT WHICH I HAVE GIVEN IS CORRECT.";

18 (6) spaces immediately below the printed declaration
19 and oath for the parties' signatures; and

20 (7) a certificate of the county clerk that the parties
21 made the declaration and oath and the place and date it was made.

22 SECTION 1.06. Section 3.401, Family Code, is amended by
23 adding Subdivision (1) and amending Subdivisions (4) and (5) to
24 read as follows:

25 (1) "Civil union" means any relationship status other
26 than marriage that:

27 (A) is intended as an alternative to marriage or

1 applies primarily to cohabitating persons; and

2 (B) grants to the parties of the relationship
3 legal protections, benefits, or responsibilities granted to the
4 spouses of a marriage.

5 (4) "Marital estate" means one of three estates:

6 (A) the community property owned by the spouses
7 together and referred to as the community marital estate; or

8 (B) the separate property owned individually by
9 each spouse [~~the husband~~] and referred to as a separate marital
10 estate[~~, or~~

11 [~~(C) the separate property owned individually by~~
12 ~~the wife, also referred to as a separate marital estate]~~.

13 (5) "Spouse" means one of the two individuals who are
14 the parties to:

15 (A) a marriage; or

16 (B) [~~a husband, who is a man, or a wife, who is a~~
17 ~~woman. A member of]~~ a civil union [~~or similar relationship]~~ entered
18 into in another state [~~between persons of the same sex is not a~~
19 ~~spouse]~~.

20 SECTION 1.07. Section 6.104(b), Family Code, is amended to
21 read as follows:

22 (b) In exercising its discretion, the court shall consider
23 the pertinent facts concerning the welfare of the parties to the
24 marriage, including whether a spouse [~~the female~~] is pregnant.

25 SECTION 1.08. Section 6.202(b), Family Code, is amended to
26 read as follows:

27 (b) The later marriage that is void under this section

1 becomes valid when the prior marriage is dissolved if, after the
2 date of the dissolution, the parties have lived together as spouses
3 [~~husband and wife~~] and represented themselves to others as being
4 married.

5 SECTION 1.09. Section 6.203, Family Code, is amended to
6 read as follows:

7 Sec. 6.203. CERTAIN VOID MARRIAGES VALIDATED. Except for a
8 marriage that would have been void under Section 6.201, a marriage
9 that was entered into before January 1, 1970, in violation of the
10 prohibitions of Article 496, Penal Code of Texas, 1925, is
11 validated from the date the marriage commenced if the parties
12 continued until January 1, 1970, to live together as spouses
13 [~~husband and wife~~] and to represent themselves to others as being
14 married.

15 SECTION 1.10. Section 6.704, Family Code, is amended to
16 read as follows:

17 Sec. 6.704. TESTIMONY OF SPOUSE [~~HUSBAND OR WIFE~~]. (a) In
18 a suit for dissolution of a marriage, each spouse is a [~~the husband~~
19 ~~and wife are~~] competent witness [~~witnesses~~] for and against the
20 [~~each~~] other spouse. A spouse may not be compelled to testify as to
21 a matter that will incriminate the spouse.

22 (b) If a spouse [~~the husband or wife~~] testifies, the court
23 or jury trying the case shall determine the credibility of the
24 witness and the weight to be given the witness's testimony.

25 SECTION 1.11. Chapter 51, Family Code, is amended by adding
26 Section 51.015 to read as follows:

27 Sec. 51.015. CONSTRUCTION OF GENDER-SPECIFIC TERMINOLOGY.

1 When necessary to implement the rights and duties of spouses or
2 parents in a marriage between persons of the same sex under the laws
3 of this state, gender-specific terminology must be construed in a
4 neutral manner to refer to a person of either gender.

5 SECTION 1.12. Chapter 101, Family Code, is amended by
6 adding Section 101.0012 to read as follows:

7 Sec. 101.0012. CONSTRUCTION OF GENDER-SPECIFIC
8 TERMINOLOGY. When necessary to implement the rights and duties of
9 spouses or parents in a marriage between persons of the same sex
10 under the laws of this state, gender-specific terminology must be
11 construed in a neutral manner to refer to a person of either gender.

12 SECTION 1.13. Section 101.024(a), Family Code, is amended
13 to read as follows:

14 (a) "Parent" means the mother, a man presumed to be the
15 father, an individual [~~a man~~] legally determined to be a parent [~~the~~
16 ~~father~~], an individual [~~a man~~] who has been adjudicated to be a
17 parent [~~the father~~] by a court of competent jurisdiction, a man who
18 has acknowledged his parentage [~~paternity~~] under applicable law, or
19 an adoptive mother or father. Except as provided by Subsection (b),
20 the term does not include a parent as to whom the parent-child
21 relationship has been terminated.

22 SECTION 1.14. Section 108.009(b), Family Code, is amended
23 to read as follows:

24 (b) The new certificate may not show that a parent-child
25 [~~the father and child~~] relationship was established after the
26 child's birth but may show the child's actual place and date of
27 birth.

1 SECTION 1.15. Section 152.310(d), Family Code, is amended
2 to read as follows:

3 (d) A privilege against disclosure of communications
4 between spouses and a defense of immunity based on the relationship
5 of spouses [~~husband and wife~~] or parent and child may not be invoked
6 in a proceeding under this subchapter.

7 SECTION 1.16. Section 153.312(b), Family Code, is amended
8 to read as follows:

9 (b) The following provisions govern possession of the child
10 for vacations and certain specific holidays and supersede
11 conflicting weekend or Thursday periods of possession. The
12 possessory conservator and the managing conservator shall have
13 rights of possession of the child as follows:

14 (1) the possessory conservator shall have possession
15 in even-numbered years, beginning at 6 p.m. on the day the child is
16 dismissed from school for the school's spring vacation and ending
17 at 6 p.m. on the day before school resumes after that vacation, and
18 the managing conservator shall have possession for the same period
19 in odd-numbered years;

20 (2) if a possessory conservator:

21 (A) gives the managing conservator written
22 notice by April 1 of each year specifying an extended period or
23 periods of summer possession, the possessory conservator shall have
24 possession of the child for 30 days beginning not earlier than the
25 day after the child's school is dismissed for the summer vacation
26 and ending not later than seven days before school resumes at the
27 end of the summer vacation, to be exercised in not more than two

1 separate periods of at least seven consecutive days each, with each
2 period of possession beginning and ending at 6 p.m. on each
3 applicable day; or

4 (B) does not give the managing conservator
5 written notice by April 1 of each year specifying an extended period
6 or periods of summer possession, the possessory conservator shall
7 have possession of the child for 30 consecutive days beginning at 6
8 p.m. on July 1 and ending at 6 p.m. on July 31;

9 (3) if the managing conservator gives the possessory
10 conservator written notice by April 15 of each year, the managing
11 conservator shall have possession of the child on any one weekend
12 beginning Friday at 6 p.m. and ending at 6 p.m. on the following
13 Sunday during one period of possession by the possessory
14 conservator under Subdivision (2), provided that the managing
15 conservator picks up the child from the possessory conservator and
16 returns the child to that same place; and

17 (4) if the managing conservator gives the possessory
18 conservator written notice by April 15 of each year or gives the
19 possessory conservator 14 days' written notice on or after April 16
20 of each year, the managing conservator may designate one weekend
21 beginning not earlier than the day after the child's school is
22 dismissed for the summer vacation and ending not later than seven
23 days before school resumes at the end of the summer vacation, during
24 which an otherwise scheduled weekend period of possession by the
25 possessory conservator will not take place, provided that the
26 weekend designated does not interfere with the possessory
27 conservator's period or periods of extended summer possession or

1 with Father's Day if the possessory conservator is a the father of
2 the child who is entitled to possession of the child for Father's
3 Day weekend that year.

4 SECTION 1.17. Sections 153.313 and 153.314, Family Code,
5 are amended to read as follows:

6 Sec. 153.313. PARENTS WHO RESIDE OVER 100 MILES APART. If
7 the possessory conservator resides more than 100 miles from the
8 residence of the child, the possessory conservator shall have the
9 right to possession of the child as follows:

10 (1) either regular weekend possession beginning on the
11 first, third, and fifth Friday as provided under the terms
12 applicable to parents who reside 100 miles or less apart or not more
13 than one weekend per month of the possessory conservator's choice
14 beginning at 6 p.m. on the day school recesses for the weekend and
15 ending at 6 p.m. on the day before school resumes after the weekend,
16 provided that the possessory conservator gives the managing
17 conservator 14 days' written or telephonic notice preceding a
18 designated weekend, and provided that the possessory conservator
19 elects an option for this alternative period of possession by
20 written notice given to the managing conservator within 90 days
21 after the parties begin to reside more than 100 miles apart, as
22 applicable;

23 (2) each year beginning at 6 p.m. on the day the child
24 is dismissed from school for the school's spring vacation and
25 ending at 6 p.m. on the day before school resumes after that
26 vacation;

27 (3) if the possessory conservator:

1 (A) gives the managing conservator written
2 notice by April 1 of each year specifying an extended period or
3 periods of summer possession, the possessory conservator shall have
4 possession of the child for 42 days beginning not earlier than the
5 day after the child's school is dismissed for the summer vacation
6 and ending not later than seven days before school resumes at the
7 end of the summer vacation, to be exercised in not more than two
8 separate periods of at least seven consecutive days each, with each
9 period of possession beginning and ending at 6 p.m. on each
10 applicable day; or

11 (B) does not give the managing conservator
12 written notice by April 1 of each year specifying an extended period
13 or periods of summer possession, the possessory conservator shall
14 have possession of the child for 42 consecutive days beginning at 6
15 p.m. on June 15 and ending at 6 p.m. on July 27;

16 (4) if the managing conservator gives the possessory
17 conservator written notice by April 15 of each year the managing
18 conservator shall have possession of the child on one weekend
19 beginning Friday at 6 p.m. and ending at 6 p.m. on the following
20 Sunday during one period of possession by the possessory
21 conservator under Subdivision (3), provided that if a period of
22 possession by the possessory conservator exceeds 30 days, the
23 managing conservator may have possession of the child under the
24 terms of this subdivision on two nonconsecutive weekends during
25 that time period, and further provided that the managing
26 conservator picks up the child from the possessory conservator and
27 returns the child to that same place; and

1 (5) if the managing conservator gives the possessory
2 conservator written notice by April 15 of each year, the managing
3 conservator may designate 21 days beginning not earlier than the
4 day after the child's school is dismissed for the summer vacation
5 and ending not later than seven days before school resumes at the
6 end of the summer vacation, to be exercised in not more than two
7 separate periods of at least seven consecutive days each, with each
8 period of possession beginning and ending at 6 p.m. on each
9 applicable day, during which the possessory conservator may not
10 have possession of the child, provided that the period or periods so
11 designated do not interfere with the possessory conservator's
12 period or periods of extended summer possession or with Father's
13 Day if the possessory conservator is a the father of the child who
14 is entitled to possession of the child for Father's Day weekend that
15 year.

16 Sec. 153.314. HOLIDAY POSSESSION UNAFFECTED BY DISTANCE
17 PARENTS RESIDE APART. The following provisions govern possession
18 of the child for certain specific holidays and supersede
19 conflicting weekend or Thursday periods of possession without
20 regard to the distance the parents reside apart. The possessory
21 conservator and the managing conservator shall have rights of
22 possession of the child as follows:

23 (1) the possessory conservator shall have possession
24 of the child in even-numbered years beginning at 6 p.m. on the day
25 the child is dismissed from school for the Christmas school
26 vacation and ending at noon on December 28, and the managing
27 conservator shall have possession for the same period in

1 odd-numbered years;

2 (2) the possessory conservator shall have possession
3 of the child in odd-numbered years beginning at noon on December 28
4 and ending at 6 p.m. on the day before school resumes after that
5 vacation, and the managing conservator shall have possession for
6 the same period in even-numbered years;

7 (3) the possessory conservator shall have possession
8 of the child in odd-numbered years, beginning at 6 p.m. on the day
9 the child is dismissed from school before Thanksgiving and ending
10 at 6 p.m. on the following Sunday, and the managing conservator
11 shall have possession for the same period in even-numbered years;

12 (4) the parent not otherwise entitled under this
13 standard possession order to present possession of a child on the
14 child's birthday shall have possession of the child beginning at 6
15 p.m. and ending at 8 p.m. on that day, provided that the parent
16 picks up the child from the residence of the conservator entitled to
17 possession and returns the child to that same place;

18 (5) if a conservator, the father shall have possession
19 of the child beginning at 6 p.m. on the Friday preceding Father's
20 Day and ending on Father's Day at 6 p.m., provided that, if he is not
21 otherwise entitled under this standard possession order to present
22 possession of the child, he picks up the child from the residence of
23 the conservator entitled to possession and returns the child to
24 that same place, except that if the child has two fathers appointed
25 as conservators, the managing conservator shall have possession of
26 the child for the period described by this subdivision in
27 even-numbered years and the possessory conservator shall have

1 possession of the child for that period in odd-numbered years; and
2 (6) if a conservator, the mother shall have possession
3 of the child beginning at 6 p.m. on the Friday preceding Mother's
4 Day and ending on Mother's Day at 6 p.m., provided that, if she is
5 not otherwise entitled under this standard possession order to
6 present possession of the child, she picks up the child from the
7 residence of the conservator entitled to possession and returns the
8 child to that same place, except that if the child has two mothers
9 appointed as conservators, the managing conservator shall have
10 possession of the child for the period described by this
11 subdivision in even-numbered years and the possessory conservator
12 shall have possession of the child for that period in odd-numbered
13 years.

14 SECTION 1.18. The following provisions of the Family Code
15 are repealed:

- 16 (1) Section 2.001(b); and
17 (2) Section 6.204.

18 SECTION 1.19. The change in law made by this article to
19 Section 108.009(b), Family Code, applies only to a new birth
20 certificate for a child born on or after the effective date of this
21 Act. A new birth certificate for a child born before that date is
22 governed by the law in effect on the date the child was born, and the
23 former law is continued in effect for that purpose.

24 SECTION 1.20. The changes in law made by this article to
25 Sections 153.312(b), 153.313, and 153.314, Family Code, apply only
26 to a court order providing for possession of or access to a child
27 rendered on or after the effective date of this Act. A court order

1 rendered before the effective date of this Act is governed by the
2 law in effect on the date the order was rendered, and the former law
3 is continued in effect for that purpose.

4 ARTICLE 2. GOVERNMENT CODE PROVISION

5 SECTION 2.01. Sections 810.001(h) and (i), Government Code,
6 are repealed.

7 ARTICLE 3. HEALTH AND SAFETY CODE PROVISIONS

8 SECTION 3.01. Section 85.007(b), Health and Safety Code, is
9 amended to read as follows:

10 (b) The materials in the education programs intended for
11 persons younger than 18 years of age must[+]

12 [~~(1)~~] emphasize sexual abstinence before marriage and
13 fidelity in marriage as the expected standard in terms of public
14 health and the most effective ways to prevent HIV infection,
15 sexually transmitted diseases, and unwanted pregnancies[~~, and~~

16 [~~(2) state that homosexual conduct is not an acceptable~~
17 ~~lifestyle and is a criminal offense under Section 21.06, Penal~~
18 ~~Code].~~

19 SECTION 3.02. Section 163.001(a), Health and Safety Code,
20 is amended to read as follows:

21 (a) The department shall develop a model public health
22 education program suitable for school-age children and shall make
23 the program available to any person on request. The program should
24 emphasize:

25 (1) that abstinence from sexual intercourse is the
26 most effective protection against unwanted teenage pregnancy,
27 sexually transmitted diseases, and acquired immune deficiency

1 syndrome (AIDS) when transmitted sexually;

2 (2) that abstinence from sexual intercourse outside of
3 [~~lawful~~] marriage is the expected societal standard for school-age
4 unmarried persons; and

5 (3) the physical, emotional, and psychological
6 dangers of substance abuse, including the risk of acquired immune
7 deficiency syndrome (AIDS) through the sharing of needles during
8 intravenous drug usage.

9 SECTION 3.03. Section 163.002, Health and Safety Code, is
10 amended to read as follows:

11 Sec. 163.002. INSTRUCTIONAL ELEMENTS. Course materials and
12 instruction relating to sexual education or sexually transmitted
13 diseases should include:

14 (1) an emphasis on sexual abstinence as the only
15 completely reliable method of avoiding unwanted teenage pregnancy
16 and sexually transmitted diseases;

17 (2) an emphasis on the importance of self-control,
18 responsibility, and ethical conduct in making decisions relating to
19 sexual behavior;

20 (3) statistics, based on the latest medical
21 information, that indicate the efficacy of the various forms of
22 contraception;

23 (4) information concerning the laws relating to the
24 financial responsibilities associated with pregnancy, childbirth,
25 and child rearing;

26 (5) information concerning the laws prohibiting
27 sexual abuse and the legal and counseling options available to

1 victims of sexual abuse;

2 (6) information on how to cope with and rebuff
3 unwanted physical and verbal sexual advances, as well as the
4 importance of avoiding the sexual exploitation of other persons;
5 and

6 (7) psychologically sound methods of resisting
7 unwanted peer pressure[~~and~~

8 [~~(8) emphasis, provided in a factual manner and from a
9 public health perspective, that homosexuality is not a lifestyle
10 acceptable to the general public and that homosexual conduct is a
11 criminal offense under Section 21.06, Penal Code~~].

12 SECTION 3.04. Section 191.0046(b), Health and Safety Code,
13 is amended to read as follows:

14 (b) The state registrar shall issue without fee a certified
15 copy of a record not otherwise prohibited by law to a veteran or to
16 the veteran's widow or widower, orphan, or other dependent if the
17 copy is for use in settling a claim against the government.

18 SECTION 3.05. Section 193.006(a), Health and Safety Code,
19 is amended to read as follows:

20 (a) This section applies to the death certificate of a
21 person who:

22 (1) served in a war, campaign, or expedition of the
23 United States, the Confederate States of America, or the Republic
24 of Texas;

25 (2) was the spouse, widower, [~~wife~~] or widow of a
26 person who served in a war, campaign, or expedition of the United
27 States, the Confederate States of America, or the Republic of

1 Texas; or

2 (3) at the time of death was in the service of the
3 United States.

4 SECTION 3.06. Section 574.045(d), Health and Safety Code,
5 is amended to read as follows:

6 (d) A female patient must be accompanied by a female
7 attendant unless the patient is accompanied by her father, male
8 spouse [~~husband~~], or adult brother or son.

9 ARTICLE 4. PENAL CODE PROVISIONS

10 SECTION 4.01. Section 21.11(b), Penal Code, is amended to
11 read as follows:

12 (b) It is an affirmative defense to prosecution under this
13 section that the actor:

14 (1) was not more than three years older than the victim
15 [~~and of the opposite sex~~];

16 (2) did not use duress, force, or a threat against the
17 victim at the time of the offense; and

18 (3) at the time of the offense:

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

21 (B) was not a person who under Chapter 62, Code of
22 Criminal Procedure, had a reportable conviction or adjudication for
23 an offense under this section.

24 SECTION 4.02. Section 21.06, Penal Code, is repealed.

25 SECTION 4.03. The change in law made by this article to
26 Section 21.11, Penal Code, applies to an offense committed on or
27 after the effective date of this Act and to any criminal action

1 pending on the effective date of this Act for an offense committed
2 before that effective date. A final conviction for an offense under
3 Section [21.11](#), Penal Code, that exists on the effective date of this
4 Act is unaffected by this Act.

5 ARTICLE 5. EFFECTIVE DATE

6 SECTION 5.01. This Act takes effect September 1, 2023.