

BILL ANALYSIS

Senate Research Center

H.B. 3073
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Sexual Assault Survivors' Task Force (SASTF) in the Office of the Governor was created by the 86th Legislature to establish a survivor-centered, collaborative, and coordinated response to sexual violence in Texas. H.B. 3073, the Summer Willis Act, codifies the top priority legislative recommendation from this task force.

Specifically, H.B. 3073 will help prosecutors hold perpetrators of sexual violence accountable and provide clear protections for survivors in circumstances not explicitly covered by current Texas law.

H.B. 3073 provides an affirmative definition of consent with respect to sexual assault, which is already utilized in Texas statute for other crimes, such as burglary or trespassing.

Additionally, the bill adds that sexual assault is without consent if the actor knows or reasonably should know that the other person is intoxicated or impaired by any substance and cannot give consent. Current Texas law only contemplates if the actor intentionally impaired the other person by administering a substance. Thus, those who are intoxicated of their own volition or are drugged by one person but sexually assaulted by another, are not protected as a result of this language. Such was the case for Summer Willis, after whom this bill is named.

Finally, the bill further clarifies that if a person knows that consent has been withdrawn, that person must not persist in the act.

H.B. 3073 amends current law relating to the prosecution of the offense of sexual assault.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Authorizes this Act to be cited as the Summer Willis Act.

SECTION 2. Amends Section 22.011(b), Penal Code, as follows:

(b) Provides that a sexual assault under Subsection (a)(1) (relating to providing that a person commits an offense of sexual assault if the person knowingly or intentionally causes certain actions to occur) is without the consent of the other person if:

(1)-(2) makes no changes to these subdivisions;

(3) the actor knows the other person is unconscious, physically unable to resist, or unaware that the sexual assault is occurring, rather than the other person has not consented and the actor knows the other person is unconscious or physically unable to resist;

(4) makes no change to this subdivision;

(5) the actor knows the other person has withdrawn consent to the act and the actor persists in the act, rather than the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;

(6) the actor knows or reasonably should know that the other person cannot consent because of intoxication or impairment by any substance, rather than the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge; or

(7)-(14) makes no changes to these subdivisions.

SECTION 3. Amends Section 22.011(c), Penal Code, by adding Subdivision (1-a) to define "consent."

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2025.