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H.B. No. 3073

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the offense of sexual assault.

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

SECTION 1. This Act may be cited as the Summer Willis Act.

SECTION 2. Section 22.011(b), Penal Code, is amended to read as follows:

(b) A sexual assault under Subsection (a)(1) is without the consent of the other person if:

(1) the actor compels the other person to submit or participate by the use of physical force, violence, or coercion;

(2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person or to cause harm to the other person, and the other person believes that the actor has the present ability to execute the threat;

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

(4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it;

(5) the actor knows the other person has withdrawn consent to the act and the actor persists in the act ~~[the other~~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 ~~[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];~~

(7) the actor compels the other person to submit or  
participate by threatening to use force or violence against any  
person, and the other person believes that the actor has the ability  
to execute the threat;

(8) the actor is a public servant who coerces the other  
person to submit or participate;

(9) the actor is a mental health services provider or a  
health care services provider who causes the other person, who is a  
patient or former patient of the actor, to submit or participate by  
exploiting the other person's emotional dependency on the actor;

(10) the actor is a clergyman who causes the other  
person to submit or participate by exploiting the other person's  
emotional dependency on the clergyman in the clergyman's  
professional character as spiritual adviser;

(11) the actor is an employee of a facility where the  
other person is a resident, unless the employee and resident are  
formally or informally married to each other under Chapter 2,  
Family Code;

(12) the actor is a health care services provider who,  
in the course of performing an assisted reproduction procedure on

1 the other person, uses human reproductive material from a donor  
2 knowing that the other person has not expressly consented to the use  
3 of material from that donor;

4 (13) the actor is a coach or tutor who causes the other  
5 person to submit or participate by using the actor's power or  
6 influence to exploit the other person's dependency on the actor; or

7 (14) the actor is a caregiver hired to assist the other  
8 person with activities of daily life and causes the other person to  
9 submit or participate by exploiting the other person's dependency  
10 on the actor.

11 SECTION 3. Section [22.011\(c\)](#), Penal Code, is amended by  
12 adding Subdivision (1-a) to read as follows:

13 (1-a) "Consent" has the meaning assigned by Section  
14 [1.07.](#)

15 SECTION 4. The change in law made by this Act applies only  
16 to an offense committed on or after the effective date of this Act.  
17 An offense committed before the effective date of this Act is  
18 governed by the law in effect on the date the offense was committed,  
19 and the former law is continued in effect for that purpose. For  
20 purposes of this section, an offense was committed before the  
21 effective date of this Act if any element of the offense occurred  
22 before that date.

23 SECTION 5. This Act takes effect September 1, 2025.