

By: Howard

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. 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, incapable of appraising the nature of the act or of resisting it, or unaware that the sexual assault is occurring;

(4) the actor knows or reasonably should know that the other person cannot consent because of intoxication or impairment by any substance ~~[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];~~

1 (5) the actor knows the other person has withdrawn
2 consent to the act and the actor persists in the act [~~the other~~
3 ~~person has not consented and the actor knows the other person is~~
4 ~~unaware that the sexual assault is occurring~~];

5 (6) [~~the actor has intentionally impaired the other~~
6 ~~person's power to appraise or control the other person's conduct by~~
7 ~~administering any substance without the other person's knowledge,~~

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

12 (7) [~~(8)~~] the actor is a public servant who coerces
13 the other person to submit or participate;

14 (8) [~~(9)~~] the actor is a mental health services
15 provider or a health care services provider who causes the other
16 person, who is a patient or former patient of the actor, to submit
17 or participate by exploiting the other person's emotional
18 dependency on the actor;

19 (9) [~~(10)~~] the actor is a clergyman who causes the
20 other person to submit or participate by exploiting the other
21 person's emotional dependency on the clergyman in the clergyman's
22 professional character as spiritual adviser;

23 (10) [~~(11)~~] the actor is an employee of a facility
24 where the other person is a resident, unless the employee and
25 resident are formally or informally married to each other under
26 Chapter 2, Family Code;

27 (11) [~~(12)~~] the actor is a health care services

1 provider who, in the course of performing an assisted reproduction
2 procedure on the other person, uses human reproductive material
3 from a donor knowing that the other person has not expressly
4 consented to the use of material from that donor;

5 (12) [~~(13)~~] the actor is a coach or tutor who causes
6 the other person to submit or participate by using the actor's power
7 or influence to exploit the other person's dependency on the actor;
8 or

9 (13) [~~(14)~~] the actor is a caregiver hired to assist
10 the other person with activities of daily life and causes the other
11 person to submit or participate by exploiting the other person's
12 dependency on the actor.

13 SECTION 2. Section [22.011\(c\)](#), Penal Code, is amended by
14 adding Subdivision (1-a) to read as follows:

15 (1-a) "Consent" has the meaning assigned by Section
16 [1.07](#).

17 SECTION 3. Section [154.051\(d-1\)](#), Occupations Code, is
18 amended to read as follows:

19 (d-1) The board may not consider or act on a complaint
20 involving an alleged violation of Section [22.011\(b\)\(11\)](#)
21 [~~[22.011\(b\)\(12\)](#)~~], Penal Code, that occurred more than seven years
22 before the date on which the complaint is received by the board or
23 more than 2 years from the date the complainant knew or should have
24 known of the facts giving rise to the complaint, whichever is later.

25 SECTION 4. The change in law made by this Act applies only
26 to an offense committed on or after the effective date of this Act.
27 An offense committed before the effective date of this Act is

1 governed by the law in effect on the date the offense was committed,
2 and the former law is continued in effect for that purpose. For
3 purposes of this section, an offense was committed before the
4 effective date of this Act if any element of the offense occurred
5 before that date.

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