

1-1 By: Howard, et al. (Senate Sponsor - Paxton, et al.) H.B. No. 3073
1-2 (In the Senate - Received from the House May 5, 2025;
1-3 May 5, 2025, read first time and referred to Committee on Criminal
1-4 Justice; May 26, 2025, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 May 26, 2025, sent to printer.)

1-7 COMMITTEE VOTE

1-8	Yea	Nay	Absent	PNV
1-9	Flores	X		
1-10	Parker	X		
1-11	Hagenbuch	X		
1-12	Hinojosa of Hidalgo	X		
1-13	Huffman	X		
1-14	King	X		
1-15	Miles	X		

1-16 COMMITTEE SUBSTITUTE FOR H.B. No. 3073 By: Flores

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the prosecution of the offense of sexual assault.
1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-21 SECTION 1. This Act may be cited as the Summer Willis Act.
1-22 SECTION 2. Section 22.011(b), Penal Code, is amended to
1-23 read as follows:
1-24 (b) A sexual assault under Subsection (a)(1) is without the
1-25 consent of the other person if:
1-26 (1) the actor compels the other person to submit or
1-27 participate by the use of physical force, violence, or coercion;
1-28 (2) the actor compels the other person to submit or
1-29 participate by threatening to use force or violence against the
1-30 other person or to cause harm to the other person, and the other
1-31 person believes that the actor has the present ability to execute
1-32 the threat;
1-33 (3) the other person has not consented and the actor
1-34 knows the other person is unconscious or physically unable to
1-35 resist;
1-36 (4) the actor knows that as a result of mental disease
1-37 or defect the other person is at the time of the sexual assault
1-38 incapable either of appraising the nature of the act or of resisting
1-39 it;
1-40 (5) the other person has not consented and the actor
1-41 knows the other person is unaware that the sexual assault is
1-42 occurring;
1-43 (6) the actor knows that the other person is
1-44 intoxicated or impaired by any substance to the extent that the
1-45 other person is incapable of consenting ~~[the actor has~~
1-46 ~~intentionally impaired the other person's power to appraise or~~
1-47 ~~control the other person's conduct by administering any substance~~
1-48 ~~without the other person's knowledge]~~;
1-49 (7) the actor compels the other person to submit or
1-50 participate by threatening to use force or violence against any
1-51 person, and the other person believes that the actor has the ability
1-52 to execute the threat;
1-53 (8) the actor is a public servant who coerces the other
1-54 person to submit or participate;
1-55 (9) the actor is a mental health services provider or a
1-56 health care services provider who causes the other person, who is a
1-57 patient or former patient of the actor, to submit or participate by
1-58 exploiting the other person's emotional dependency on the actor;
1-59 (10) the actor is a clergyman who causes the other
1-60 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 the other person, uses human reproductive material from a donor knowing that the other person has not expressly consented to the use of material from that donor;

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

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

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

(1-a) "Consent" has the meaning assigned by Section 1.07.

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

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

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