

By: Flores

S.B. No. 242

A BILL TO BE ENTITLED

AN ACT

1
2 relating to affirmative defenses to prosecution for certain
3 criminal offenses involving material or conduct that may be obscene
4 or is otherwise harmful to children.

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

6 SECTION 1. Section 43.24(c), Penal Code, is amended to read
7 as follows:

8 (c) It is an affirmative defense to prosecution under this
9 section that the sale, distribution, or exhibition was by a person
10 having scientific[~~, educational, governmental,~~] or other similar
11 justification.

12 SECTION 2. Section 43.25(f), Penal Code, is amended to read
13 as follows:

14 (f) It is an affirmative defense to a prosecution under this
15 section that:

16 (1) the defendant was the spouse of the child at the
17 time of the offense;

18 (2) the conduct was for a bona fide [~~educational,~~]
19 medical, psychological, psychiatric, judicial, law enforcement, or
20 legislative purpose; or

21 (3) the defendant is not more than two years older than
22 the child.

23 SECTION 3. The changes in law made by this Act apply only to
24 an offense committed on or after the effective date of this Act. An

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

6 SECTION 4. This Act takes effect September 1, 2025.