

By: Middleton

S.B. No. 412

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to affirmative defenses to prosecution for certain  
3 offenses involving material or conduct that is obscene or otherwise  
4 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 a bona fide judicial, law enforcement, or legislative  
11 ~~[scientific, educational, governmental, or other similar]~~  
12 justification.

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

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

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

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

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

24 SECTION 3. The changes in law made by this Act apply only to

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

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