

BILL ANALYSIS

C.S.S.B. 1164
By: Campbell
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

During the 85th Legislative Session, the legislature addressed improper relationships and educator misconduct in the public school system. It has been suggested that penalties should be extended outside of the school system to private coaches, tutors, and certain hired caregivers and in other circumstances when the other person is intoxicated or has withdrawn consent to the act. C.S.S.B. 1164 seeks to address this issue by including additional circumstances under which a sexual assault is without the consent of the other person.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 1164 amends the Penal Code to expand the circumstances under which a sexual assault is without consent of the other person by including the following circumstances:

- the actor knows the other person is intoxicated by any substance such that the other person is incapable of appraising the nature of the act;
- the actor knows that the other person has withdrawn consent to the act and the actor persists in the act after consent is withdrawn;
- 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
- 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.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 1164 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute includes the following as additional circumstances under which a sexual assault is without consent of the other person, which were not included in the engrossed:

- the actor knows the other person is intoxicated in a specified manner;
- the actor knows that the other person has withdrawn consent to the act and persists in the act after consent is withdrawn; or
- the actor is a caregiver hired to assist the other person with daily life activities and causes the other person to submit or participate by exploiting their dependency on the actor.