

BILL ANALYSIS

Senate Research Center
77R11300 GWK-D

C.S.S.B. 1295
By: Van de Putte
Criminal Justice
4/9/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

Current state law defines statutory rape as consensual sex between two people of the opposite sex, more than three years apart in age, with one person under 17 years of age. C.S.S.B. 1295 provides an affirmative defense to prosecution if the defendant is of the opposite sex of the actor, is no more than three years older than the victim, and the victim was 14 years of age or older.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 21.11, Penal Code, by amending Subsection (c) and adding Subsection (d), as follows:

(c) Provides that it is a defense to prosecution under this section that the victim was of the opposite sex of the actor, at the time of the offense the victim was 14 years of age or older and the actor was younger than 20 years of age, and the actor through mistake formed a reasonable belief that the victim was not more than three years younger than the actor.

(d) Provides that an offense under Subsections (a)(1) is a felony of the second degree and an offense under Subsection (a)(2) is a felony of the third degree.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

SECTION 1. Amends As Filed S.B. 1295, Section 21.11, Penal Code, by adding new proposed Subsection (c) and amending previously proposed Subsection (d).