

BILL ANALYSIS

Senate Research Center
78R9030 EMT-F

C.S.S.B. 825
By: Whitmire
Criminal Justice
3/27/2003
Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, it is a criminal offense for health care provider to engage in non-consensual sex with a person in the provider's care or with a patient. C.S.S.B. 825 makes it a criminal offense for an employee of certain facilities to engage in sex with a resident of the facility.

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 22.011(b), Penal Code, to provide that a sexual assault is without the consent of the other person if 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 (The Marriage Relationship), Family Code. Makes nonsubstantive changes.

SECTION 2. Amends Section 22.011(c), Penal Code, by adding Subdivision (5), to define "employee of a facility."

SECTION 3. Effective date: September 1, 2003.
Makes application of this Act prospective.

SUMMARY OF COMMITTEE CHANGES

Differs from original bill by shortening the relating clause.

SECTION 1. Differs from the original bill by amending Section 22.011(b), Penal code rather than amending Section 22.011(b), Penal Code, by amending subdivisions (9) and (10) and by adding subdivision (11). Differs from original in proposed Subsection (b) by adding the phrase "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."

SECTION 2. Differs from the original bill in SECTION 2 by deleting proposed text and creating new text to define "employee of a facility."

SECTION 3. Differs from the original bill in SECTION 3 by deleting proposed SECTION 3, and redesignating SECTIONS 4 and 5 as SECTION 3.