

BILL ANALYSIS

Senate Research Center
83R5828 MAW-D

S.B. 1316
By: Whitmire
Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The current statute on indecency with a child states that it is a defense to prosecution if the individuals are within three years of each other's age providing that they are of the opposite sex. This bill amends Chapter 21 (Sexual Offenses) of the Penal Code by striking "and of the opposite sex" from Section 21.11(b). This will allow for both same sex and opposite sex couples to have the same defense to prosecution.

As proposed, S.B. 1316 amends current law relating to the prosecution of the offense of indecency with a child.

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(b), Penal Code, to provide that it is an affirmative defense to prosecution under this section that the actor, among other criteria, was not more than three years older than the victim, rather than was not more than three years older than the victim and of the opposite sex.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2013.