

## **BILL ANALYSIS**

H.B. 2403  
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Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Current Texas law makes it an offense for a person to engage in sexual conduct with a child younger than 17 years of age. The law, however, establishes an affirmative defense to prosecution for the offense if no more than a three-year age difference exists between the actor and the victim, the actor and victim are of the opposite sex, the actor did not use duress, force, or a threat against the victim at the time of the offense, and the actor does not meet certain sex offender registration requirements. In an effort to ensure that this defense is available in same-gender relationships, H.B. 2403 removes the requirement that the actor and victim be of the opposite sex.

### **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**

H.B. 2403 amends the Penal Code to remove the requirement that the actor be of the opposite sex of the victim from the affirmative defense to prosecution for indecency with a child available to an actor who, in addition to other conditions, was not more than three years older than the victim.

### **EFFECTIVE DATE**

September 1, 2013.