

1-1 By: Campbell S.B. No. 1164
 1-2 (In the Senate - Filed March 8, 2021; March 18, 2021, read
 1-3 first time and referred to Committee on Criminal Justice;
 1-4 April 12, 2021, reported favorably by the following vote: Yeas 6,
 1-5 Nays 0; April 12, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the prosecution of the criminal offense of sexual
 1-18 assault.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 22.011(b), Penal Code, is amended to
 1-21 read as follows:

1-22 (b) A sexual assault under Subsection (a)(1) is without the
 1-23 consent of the other person if:

1-24 (1) the actor compels the other person to submit or
 1-25 participate by the use of physical force, violence, or coercion;

1-26 (2) the actor compels the other person to submit or
 1-27 participate by threatening to use force or violence against the
 1-28 other person or to cause harm to the other person, and the other
 1-29 person believes that the actor has the present ability to execute
 1-30 the threat;

1-31 (3) the other person has not consented and the actor
 1-32 knows the other person is unconscious or physically unable to
 1-33 resist;

1-34 (4) the actor knows that as a result of mental disease
 1-35 or defect the other person is at the time of the sexual assault
 1-36 incapable either of appraising the nature of the act or of resisting
 1-37 it;

1-38 (5) the other person has not consented and the actor
 1-39 knows the other person is unaware that the sexual assault is
 1-40 occurring;

1-41 (6) the actor has intentionally impaired the other
 1-42 person's power to appraise or control the other person's conduct by
 1-43 administering any substance without the other person's knowledge;

1-44 (7) the actor compels the other person to submit or
 1-45 participate by threatening to use force or violence against any
 1-46 person, and the other person believes that the actor has the ability
 1-47 to execute the threat;

1-48 (8) the actor is a public servant who coerces the other
 1-49 person to submit or participate;

1-50 (9) the actor is a mental health services provider or a
 1-51 health care services provider who causes the other person, who is a
 1-52 patient or former patient of the actor, to submit or participate by
 1-53 exploiting the other person's emotional dependency on the actor;

1-54 (10) the actor is a clergyman who causes the other
 1-55 person to submit or participate by exploiting the other person's
 1-56 emotional dependency on the clergyman in the clergyman's
 1-57 professional character as spiritual adviser;

1-58 (11) the actor is an employee of a facility where the
 1-59 other person is a resident, unless the employee and resident are
 1-60 formally or informally married to each other under Chapter 2,
 1-61 Family Code; [~~or~~]

2-1 (12) the actor is a health care services provider who,
2-2 in the course of performing an assisted reproduction procedure on
2-3 the other person, uses human reproductive material from a donor
2-4 knowing that the other person has not expressly consented to the use
2-5 of material from that donor; or

2-6 (13) the actor is a coach or tutor who causes the other
2-7 person to submit or participate by using the actor's power or
2-8 influence to exploit the other person's dependency on the actor.

2-9 SECTION 2. The change in law made by this Act applies only
2-10 to an offense committed on or after the effective date of this Act.
2-11 An offense committed before the effective date of this Act is
2-12 governed by the law in effect on the date the offense was committed,
2-13 and the former law is continued in effect for that purpose. For
2-14 purposes of this section, an offense was committed before the
2-15 effective date of this Act if any element of the offense was
2-16 committed before that date.

2-17 SECTION 3. This Act takes effect September 1, 2021.

2-18

* * * * *