

1-1 By: Whitmire S.B. No. 1316  
 1-2 (In the Senate - Filed March 7, 2013; March 13, 2013, read  
 1-3 first time and referred to Committee on Criminal Justice;  
 1-4 April 10, 2013, reported favorably by the following vote: Yeas 4,  
 1-5 Nays 1; April 10, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Whitmire	X			
1-8 Huffman			X	
1-9 Carona	X			
1-10 Hinojosa	X			
1-11 Patrick			X	
1-12 Rodriguez	X			
1-13 Schwertner		X		

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

1-17 relating to the prosecution of the offense of indecency with a  
 1-18 child.

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

1-20 SECTION 1. Subsection (b), Section 21.11, Penal Code, is  
 1-21 amended to read as follows:

1-22 (b) It is an affirmative defense to prosecution under this  
 1-23 section that the actor:

1-24 (1) was not more than three years older than the victim  
 1-25 [~~and of the opposite sex~~];

1-26 (2) did not use duress, force, or a threat against the  
 1-27 victim at the time of the offense; and

1-28 (3) at the time of the offense:

1-29 (A) was not required under Chapter 62, Code of  
 1-30 Criminal Procedure, to register for life as a sex offender; or

1-31 (B) was not a person who under Chapter 62 had a  
 1-32 reportable conviction or adjudication for an offense under this  
 1-33 section.

1-34 SECTION 2. The change in law made by this Act applies only  
 1-35 to an offense committed on or after the effective date of this Act.  
 1-36 An offense committed before the effective date of this Act is  
 1-37 governed by the law in effect on the date the offense was committed,  
 1-38 and the former law is continued in effect for that purpose. For  
 1-39 purposes of this section, an offense was committed before the  
 1-40 effective date of this Act if any element of the offense occurred  
 1-41 before that date.

1-42 SECTION 3. This Act takes effect September 1, 2013.

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