

BILL ANALYSIS

H.B. 71
By: González, Mary
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties point to an inconsistency in state law relating to an affirmative defense for indecency with a child, known to some as the Romeo and Juliet defense. These parties contend that the inconsistency establishes a direct and specific inequality in protection from extremely harsh punishment for some of the children who are affected by the law. Adolescents who are convicted of indecency with a child can be sent to jail and required to register as a sex offender, a requirement that may have a lifelong impact. H.B. 71 seeks to address this issue by revising provisions relating to the offense of indecency with a child.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 71 amends the Penal Code to remove from the affirmative defense to prosecution for indecency with a child in which the actor was not more than three years older than the victim the condition that the actor was of the opposite sex.

EFFECTIVE DATE

September 1, 2015.