

BILL ANALYSIS

S.B. 1259
By: Huffman
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been suggested that a health care services provider knowingly using human reproductive material from a donor in the course of performing an assisted reproduction procedure on another person who has not expressly consented to such use is a form of sexual assault and should be punished as such. S.B. 1259 seeks to expand the conduct that constitutes sexual assault without the consent of the other person to include that conduct.

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

S.B. 1259 amends the Penal Code to expand the conduct that constitutes sexual assault without the consent of the other person to include knowingly using human reproductive material from a donor by a health care services provider in the course of performing an assisted reproduction procedure on another person who has not expressly consented to such use. The bill establishes that the penalty for sexual assault involving such conduct is a state jail felony. The bill defines "human reproductive material" as a human spermatozoon or ovum or a human organism at any stage of development from fertilized ovum to embryo.

S.B. 1259 amends the Code of Criminal Procedure to set the statute of limitations for such a state jail felony sexual assault offense at two years from the date the offense was discovered.

EFFECTIVE DATE

September 1, 2019.