

SUBJECT: Sexual assault of a child

COMMITTEE: Criminal Jurisprudence— favorable, without amendment

VOTE: 8 ayes — Place, Talton, Dunnam, Galloway, Hinojosa, Keel, Nixon, A. Reyna
0 nays
1 absent — Farrar

SENATE VOTE: On final passage, February 26 — voice vote

WITNESSES: For — Sherri Wallace, Dallas County Criminal District Attorney's Office
Against — Keith Hampton, Texas Criminal Defense Lawyers Association

DIGEST: SB 185 would make it an offense under sexual assault and aggravated sexual assault to cause the mouth of a child to contact the anus or sexual organ of another person.
SB 185 would take effect September 1, 1997.

SUPPORTERS SAY: SB 185 is necessary to close a loophole in current law that can make prosecution of sexual assault cases difficult if an adult woman forces a child to perform oral sex. Questions have arisen over whether current law, which prohibits causing the penetration of the mouth of a child by the sexual organ of another, covers this action. SB 185 would make it clear that this action is sexual assault.
SB 185 would use the same language involving causation that is used in other parts of the sexual assault statutes.

OPPONENTS SAY: SB 185 is unnecessary because current law makes it an offense to cause the penetration of the mouth of a child by the sexual organ of another. By setting up a new sexual assault provision involving contact, SB 185 could

blur the traditional distinction between penetration and contact. In addition, it could be difficult to prove causation under circumstances in which the adult woman did less than physically force a child to perform oral sex.