

- SUBJECT:** Committing certain sex offenses against child regardless of knowing age
- COMMITTEE:** State Affairs — favorable, without amendment
- VOTE:** 12 ayes — Cook, Giddings, Craddick, Farrar, Geren, Guillen, Kuempel, Meyer, Oliveira, Paddie, E. Rodriguez, Smithee
- 0 nays
- 1 absent — K. King
- WITNESSES:** For — (*Registered, but did not testify:* Ann Hettinger, Center for the Preservation of American Ideals; Joshua Houston, Texas Impact; Jennifer Allmon, The Texas Catholic Conference of Bishops; Trayce Bradford; Sacha Jacobson)
- Against — None
- On — (*Registered, but did not testify:* Floyd Goodwin, Texas Department of Public Safety)
- BACKGROUND:** Penal Code, sec. 21.02 makes the continuous sexual abuse of a young child a crime and applies when a victim is younger than 14 years old. Penal Code, sec. 21.11 makes indecency with a child a crime and applies if certain actions are committed with a child younger than 17 years old.
- Penal Code, sec. 22.011 defines the crime of sexual assault, with sec. 22.011(a)(2) covering sexual assault of a child, defined as a person younger than 17 years old. Penal Code, sec. 22.021 covers aggravated sexual assault and makes all sexual assaults of children under 14 qualify as aggravated sexual assault, and sec. 22.021(a)(1)(B) makes sexual assault of children 14 to 16 years old an aggravated offense.
- The crime of sexual performance by a child is established in Penal Code, sec. 43.25, and Penal Code, sec. 43.251 establishes the crime of employment harmful to children, with a child being defined for both

offenses as someone younger than 18 years old.

Penalties for these offenses range from third-degree felonies (two to 10 years in prison and an optional fine of up to \$10,000), second-degree felonies (two to 20 years in prison and an optional fine of up to \$10,000), and first-degree felonies (life in prison or a sentence of five to 99 years and an optional fine of up to \$10,000).

DIGEST: HB 1808 would establish that the following criminal offenses relating to children occur regardless of whether the person committing the crime knew the age of the victim at the time of the offense:

- continuous sexual abuse of a young child;
- indecency with a child;
- sexual assault of a child;
- aggravated sexual assault of a child;
- sexual performance by a child; and
- employment harmful to children.

The bill would take effect September 1, 2017.