of the separate fund nor the fund's value, the internal income of the fund shall be the product
of the interest rate and the present value of the expected future payments, as determined
under Section 7520, Internal Revenue Code of 1986, for the month preceding the accounting
period for which the computation is made.

SECTION 10. (a) The changes in law made by Section 113.029, Property Code, as added
by this Act, apply only to a trust that is created or becomes irrevocable on or after September
1, 2009.

(b) Except as otherwise expressly provided by the will, the terms of the trust, or this Act,
the changes in law made by this Act apply to:

(1) a trust existing or created on or after September 1, 2009;

(2) the estate of a decedent who dies before September 1, 2009, if the probate or
administration of the estate is pending as of September 1, 2009; and

(3) the estate of a decedent who dies on or after September 1, 2009.

(c) For a trust existing on September 1, 2009, that was created before that date, the
changes in law made by this Act apply only to an act or omission relating to the trust that
occurs on or after September 1, 2009.

SECTION 11. This Act takes effect September 1, 2009.

Passed by the House on May 12, 2009: Yeas 149, Nays 0, 1 present, not voting; passed
by the Senate on May 26, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.

Effective September 1, 2009.

CHAPTER 673

H.B. No. 2385

AN ACT
relating to the punishment for the offense of prohibited sexual conduct.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 25.02(c), Penal Code, is amended to read as follows:

(c) An offense under this section is a felony of the third degree, unless the offense is
committed under Subsection (a)(1) [(a)(5)], in which event the offense is a felony of the second
degree.

SECTION 2. The change in law made by this Act applies only to an offense committed on
or after the effective date of this Act. An offense committed before the effective date of this
Act is covered by the law in effect when the offense was committed, and the former law is
continued in effect for that purpose. For purposes of this section, an offense was committed
before the effective date of this Act if any element of the offense was committed before that
date.

SECTION 3. This Act takes effect September 1, 2009.

Passed by the House on April 28, 2009: Yeas 149, Nays 0, 1 present, not voting; passed
by the Senate on May 26, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.

Effective September 1, 2009.

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