

## **BILL ANALYSIS**

Senate Research Center  
81R8924 GCB-F

H.B. 2385  
By: Castro (Van de Putte)  
Criminal Justice  
5/17/2009  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Under current law, an incest offense is a third degree felony, except when an actor engages in sexual intercourse or deviate sexual behavior with his or her cousin. In that case, the penalty is a second degree felony. Thus, the punishment for an individual engaging in sexual intercourse with the individual's cousin is actually more severe than if an individual performed the same activity with the individual's mother, father, stepchild, or sibling.

H.B. 2385 relates to the punishment for the offense of prohibited sexual conduct.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 25.02(c), Penal Code, to provide that an offense under this section is a felony of the third degree, unless the offense is committed under Subsection (a)(1) (relating to a person who engages in sexual intercourse or deviate sexual intercourse with another person the actor knows to be the actor's ancestor or descendant by blood or adoption), rather than Subsection (a)(6), in which event the offense is a felony of the second degree.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.