

BILL ANALYSIS

Senate Research Center
86R11850 AJZ-D

S.B. 1259
By: Huffman
Criminal Justice
3/31/2019
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1259 adds a definition of "without...consent," for the purposes of a sexual assault. Specifically, the bill adds situations where a health care provider, during an assistive reproduction procedure, uses reproductive material that the person on whom the procedure is being performed has not expressly consented to. An assault of this nature is a state jail felony.

As proposed, S.B. 1259 amends current law relating to the prosecution of the offense of sexual assault.

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 Sections 22.011(b) and (f), Penal Code, as follows:

(b) Provides that a sexual assault under Subsection (a)(1) (relating to the offense of assault) is without the consent of the person if:

(1)–(9) makes no changes to these subdivisions;

(10)–(11) makes nonsubstantive changes to these subdivisions; or

(12) the actor is a health care services provider who, in the course of performing an assisted reproduction procedure on the other person, uses human reproductive material from a donor knowing that the other person has not expressly consented to the use of material from that donor.

(f) Provides that an offense under this section is a felony of the second degree, except that an offense under this section is:

(1) creates this subdivision from existing text and makes a nonsubstantive change; or

(2) a state jail felony if the offense is committed under Subsection (a)(1) and the actor has not received express consent as described by Subsection (b)(12).

SECTION 2. Amends Section 22.011(c), Penal Code, by adding Subdivisions (6) and (7) to define "assisted reproduction," "donor," and "human reproductive material."

SECTION 3. Makes application of this Act prospective. Provides that for purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 4. Effective date: September 1, 2019.