

CHAPTER 1028

H.B. No. 2575

AN ACT

relating to an affirmative defense to the offense of indecency with a child.

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

SECTION 1. Section 21.11(c), Penal Code, is amended to read as follows:

(c) It is an affirmative defense to prosecution under this section that the actor:

- (1) was not more than two years older than the victim and of the opposite sex; and
- (2) did not use duress, force, or a threat against the victim at the time of the offense.

SECTION 2. (a) The change in law made by this Act applies only to the prosecution of an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) 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 this purpose.

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SECTION 3. *This Act takes effect September 1, 1987.*

SECTION 4. *The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.*

Passed by the House on May 15, 1987, by a non-record vote. Passed by the Senate on May 29, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 19, 1987.

Effective Sept. 1, 1987.