

BILL ANALYSIS

H.B. 1431
By: Moody
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that consent to certain sexual acts is sometimes given by a person under duress after the person receives violent threats, including a threat to harm the person. The parties believe that the circumstances under law that do not constitute consent with respect to certain sexual conduct are too limited. H.B. 1431 seeks to broaden the conduct constituting sexual assault.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1431 amends the Penal Code to remove the condition that an actor who coerces another person to submit or participate in certain sexual acts be a public servant in order for the actor's conduct to constitute the offense of sexual assault and to instead expand the conduct that constitutes sexual assault to expressly include an actor compelling the other person to submit or participate by the use of coercion or by threatening to cause harm to the other person if the person believes that the actor has the present ability to execute the threat.

EFFECTIVE DATE

September 1, 2017.