

SUBJECT: Defining sexual assault to include penetration of male sexual organ

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 5 ayes — Keel, Riddle, Ellis, Hodge, Talton
0 nays
4 absent — Denny, Dunnam, P. Moreno, Pena

WITNESSES: For — Mindy McCracken, Travis County District Attorney’s Office; Chuck Noll, Harris County District Attorney’s Office
Against — None

BACKGROUND: Penal Code, secs. 22.011 and 22.021 make it a criminal offense under sexual assault and aggravated sexual assault to intentionally or knowingly cause the penetration of the anus or female sexual organ of another person by any means without consent and to intentionally or knowingly cause penetration of the anus or female sexual organ of a child by any means.

Sexual assault is a second-degree felony (punishable by two to 20 years in prison and an optional fine of up to \$10,000), and aggravated sexual assault is a first-degree felony (punishable by life in prison or a sentence of five to 99 years and an optional fine of up to \$10,000).

DIGEST: HB 1246 would make the offenses of sexual assault and aggravated sexual Assault apply to the penetration of a sexual organ of any gender, rather than limiting the application to penetration of female sexual organs.

The bill would take effect September 1, 2003.

SUPPORTERS SAY: HB 1246 is necessary to ensure that the sexual assault laws protect all people adequately. Parts of the current statutes apply only to the penetration of female sexual organs. This bill would ensure that the statutes applied to male sexual organs as well. This change would cover situations such as a recent

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incident in Travis County in which a male child was assaulted by someone who inserted objects into his sex organ.

While other criminal offenses such as assault or aggravated assault could cover such cases, HB 1246 would ensure that they could be punished more appropriately and that the offender would have a record as a sex offender and be subject to sex offender registration statutes.

OPPONENTS
SAY:

No apparent opposition.