

BILL ANALYSIS

Senate Research Center
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S.B. 825
By: Whitmire
Criminal Justice
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As Filed

DIGEST AND PURPOSE

Currently, it is a criminal offense for health care provider to engage in non-consensual sex with a person in the provider's care or with a patient. As proposed, S.B. 825 makes it a criminal offense for an employee of a long-term care facility to engage in sex with a resident of the facility.

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 22.011(b), Penal Code, by amending Subdivisions (9) and (10) and adding Subdivision (11) to provide that a sexual assault is without the consent of the other person if the actor is an employee of a facility.

SECTION 2. Amends Section 22.011(c), Penal Code, by adding Subdivisions (5) and (6), to define "employee" and "facility." [Bill as drafter does not underline new text in this section.]

SECTION 3. Amends Section 22.011, Penal Code, by adding Subsection (f) to provide that it is an exception to prosecution under Subsection (c)(3)(G) if the actor is married, either formally or informally under Chapter 2 (The Marriage Relationship), Family Code, to the person.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2003.