

AN ACT

relating to the offense of aggravated sexual assault against a disabled or elderly individual.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsections (a) and (b), Section 22.021, Penal Code, are amended to read as follows:

(a) A person commits an offense:

(1) if the person:

(A) intentionally or knowingly:

(i) causes the penetration of the anus or female sexual organ of another person by any means, without that person's consent;

(ii) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or

(iii) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or

(B) intentionally or knowingly:

(i) causes the penetration of the anus or female sexual organ of a child by any means;

(ii) causes the penetration of the mouth of a child by the sexual organ of the actor;

1 (iii) causes the sexual organ of a child to  
2 contact or penetrate the mouth, anus, or sexual organ of another  
3 person, including the actor;

4 (iv) causes the anus of a child to contact  
5 the mouth, anus, or sexual organ of another person, including the  
6 actor; or

7 (v) causes the mouth of a child to contact  
8 the anus or sexual organ of another person, including the actor; and

9 (2) if:

10 (A) the person:

11 (i) causes serious bodily injury or  
12 attempts to cause the death of the victim or another person in the  
13 course of the same criminal episode;

14 (ii) by acts or words places the victim in  
15 fear that death, serious bodily injury, or kidnapping will be  
16 imminently inflicted on any person;

17 (iii) by acts or words occurring in the  
18 presence of the victim threatens to cause the death, serious bodily  
19 injury, or kidnapping of any person;

20 (iv) uses or exhibits a deadly weapon in the  
21 course of the same criminal episode;

22 (v) acts in concert with another who  
23 engages in conduct described by Subdivision (1) directed toward the  
24 same victim and occurring during the course of the same criminal  
25 episode; or

26 (vi) administers or provides  
27 flunitrazepam, otherwise known as rohypnol, gamma hydroxybutyrate,

1 or ketamine to the victim of the offense with the intent of  
2 facilitating the commission of the offense;

3 (B) the victim is younger than 14 years of age; or

4 (C) the victim is an elderly individual or a  
5 disabled individual [~~65 years of age or older~~].

6 (b) In this section:

7 (1) "Child" [~~,"child"~~] has the meaning assigned [~~that~~  
8 ~~term~~] by Section 22.011(c).

9 (2) "Elderly individual" and "disabled individual"  
10 have the meanings assigned by Section 22.04(c).

11 SECTION 2. (a) This Act takes effect September 1, 2003.

12 (b) The change in law made by this Act applies only to an  
13 offense committed on or after the effective date of this Act. An  
14 offense committed before the effective date of this Act is covered  
15 by the law in effect when the offense was committed, and the former  
16 law is continued in effect for that purpose. For purposes of this  
17 subsection, an offense was committed before the effective date of  
18 this Act if any element of the offense was committed before that  
19 date.

*David Newkumst*  
President of the Senate

*Tom Cradick*  
Speaker of the House

I hereby certify that S.B. No. 837 passed the Senate on May 1, 2003, by the following vote: Yeas 31, Nays 0. \_\_\_\_\_

*Larry Spaw*  
Secretary of the Senate

I hereby certify that S.B. No. 837 passed the House on May 28, 2003, by a non-record vote. \_\_\_\_\_

*Robert Hume*  
Chief Clerk of the House

Approved:

20 JUN 03  
Date

*Rick Perry*  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
9:30 PM O'CLOCK

*James Shea*  
JUN 20 2003  
Secretary of State