

SUBJECT: Creating the criminal offense of indecent assault

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: 9 ayes — Collier, Zedler, K. Bell, J. González, Hunter, P. King, Moody,
Murr, Pacheco

0 nays

SENATE VOTE: On final passage, March 27 — 31-0

WITNESSES: *On House companion bill, HB 309:*

For — Katherine Strandberg, Texas Association Against Sexual Assault; Joshua McBride; Kelly Phillips; Tiffany Russell; (*Registered, but did not testify*: Justin Berry, Austin Police Association; Pete Gallego, Bexar County Criminal District Attorney's Office; Chris Jones, CLEAT; James McCarley, City of Plano; Frederick Frazier, Dallas Police Association/FOP716, State FOP; Matthew Williamson, Dallas Police Department; Tatum Zeko, Deeds Not Words; James Grace Jr., Houston Area Women's Center; Jessica Anderson, Houston Police Department; Ray Hunt, HPOU; Jimmy Rodriguez, San Antonio Police Officers Association; Micah Harmon; Sheriffs' Association of Texas; Vincent Giardino, Tarrant County Criminal District Attorney's Office; Stacy Suits, Travis County Constable Precinct 3; Amy Meredith, Travis County District Attorney, Margaret Moore; Linda Phan, Texas Council on Family Violence; Jose Rodriguez, TMPA)

Against — (*Registered, but did not testify*: Roy Hunter, Texas Police Chiefs Association)

On — Shannon Edmonds, Texas District and County Attorneys Association

BACKGROUND: Some have noted that unwanted groping of someone 17 years old or older would not be punished by more than a class C misdemeanor under current laws covering assault and sexual assault. Concerned parties have proposed

creating an offense to more appropriately punish such behavior

DIGEST:

CSSB 194 would create the offense of indecent assault. It would be a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000) to, without the other person's consent and with the intent to arouse or gratify the sexual desire of any person, engage in certain types of touching or other conduct involving exposure or cause another to contact the blood, other body fluids, or feces of any person. If conduct that constituted an offense under this section also would constitute an offense under another law, prosecutions could occur under this bill, the other law, or both.

CSSB 194 would include the offense of indecent assault in:

- Code of Criminal Procedure provisions allowing victims to file for certain types of protective orders and giving victims rights relating to the disclosure of certain information about evidence in their case;
- Penal Code provisions making violations of certain court orders or bonds an offense; and
- Government Code provisions about collecting information on protective orders and bonds imposed on persons subject to the protective orders.

The bill generally would take effect September 1, 2019. Provisions requiring the comptroller to determine whether certain changes made by the 85th Legislature to the Penal Code would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, those provisions also would take effect September 1, 2019.