



FLOOR AMENDMENT NO. _____

BY: Proclair

1 Amend S.B. No. 1610 (house committee report) as follows:

2 (1) On page 34, line 12, between "22.01" and "22.012", insert
3 "22.011".

4 (2) Add the following appropriately numbered SECTION to the
5 bill and renumber subsequent SECTIONS of the bill accordingly:

6 SECTION _____. Section 22.011(b), Penal Code, is amended to
7 read as follows:

8 (b) A sexual assault under Subsection (a)(1) is without the
9 consent of the other person if consent, as defined by Section
10 1.07(a), is not present or if:

11 (1) the actor compels the other person to submit or
12 participate by the use of physical force, violence, or coercion;

13 (2) the actor compels the other person to submit or
14 participate by threatening to use force or violence against the
15 other person or to cause harm to the other person, and the other
16 person believes that the actor has the present ability to execute
17 the threat;

18 (3) the other person has not consented and the actor
19 knows the other person is unconscious or physically unable to
20 resist;

21 (4) the actor knows that as a result of mental disease
22 or defect the other person is at the time of the sexual assault
23 incapable either of appraising the nature of the act or of
24 resisting it;

1 (5) the other person has not consented and the actor
2 knows the other person is unaware that the sexual assault is
3 occurring;

4 (6) the actor has intentionally impaired the other
5 person's power to appraise or control the other person's conduct
6 by administering any substance without the other person's
7 knowledge;

8 (7) the actor compels the other person to submit or
9 participate by threatening to use force or violence against any
10 person, and the other person believes that the actor has the
11 ability to execute the threat;

12 (8) the actor is a public servant who coerces the other
13 person to submit or participate;

14 (9) the actor is a mental health services provider or
15 a health care services provider who causes the other person, who
16 is a patient or former patient of the actor, to submit or
17 participate by exploiting the other person's emotional dependency
18 on the actor;

19 (10) the actor is a clergyman who causes the other
20 person to submit or participate by exploiting the other person's
21 emotional dependency on the clergyman in the clergyman's
22 professional character as spiritual adviser;

23 (11) the actor is an employee of a facility where the
24 other person is a resident, unless the employee and resident are
25 formally or informally married to each other under Chapter 2,
26 Family Code;

27 (12) the actor is a health care services provider who,
28 in the course of performing an assisted reproduction procedure on
29 the other person, uses human reproductive material from a donor
30 knowing that the other person has not expressly consented to the
31 use of material from that donor;

1 (13) the actor is a coach or tutor who causes the other
2 person to submit or participate by using the actor's power or
3 influence to exploit the other person's dependency on the actor;
4 or

5 (14) the actor is a caregiver hired to assist the other
6 person with activities of daily life and causes the other person
7 to submit or participate by exploiting the other person's
8 dependency on the actor.