

1 AN ACT

2 relating to an exception to consent as a defense to assaultive  
3 conduct.

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

5 SECTION 1. Section 22.06, Penal Code, is amended to read as  
6 follows:

7 Sec. 22.06. CONSENT AS DEFENSE TO ASSAULTIVE CONDUCT. (a)  
8 The victim's effective consent or the actor's reasonable belief  
9 that the victim consented to the actor's conduct is a defense to  
10 prosecution under Section 22.01 (Assault), 22.02 (Aggravated  
11 Assault), or 22.05 (Deadly Conduct) if:

12 (1) the conduct did not threaten or inflict serious  
13 bodily injury; or

14 (2) the victim knew the conduct was a risk of:

15 (A) his occupation;

16 (B) recognized medical treatment; or

17 (C) a scientific experiment conducted by  
18 recognized methods.

19 (b) The defense to prosecution provided by Subsection (a) is  
20 not available to a defendant who commits an offense described by  
21 Subsection (a) as a condition of the defendant's or the victim's  
22 initiation or continued membership in a criminal street gang, as  
23 defined by Section 71.01.

24 SECTION 2. The change in law made by this Act applies only

1 to an offense committed on or after the effective date of this Act.  
2 An offense committed before the effective date of this Act is  
3 covered by the law in effect when the offense was committed, and the  
4 former law is continued in effect for that purpose. For purposes of  
5 this section, an offense is committed before the effective date of  
6 this Act if any element of the offense occurs before the effective  
7 date.

8 SECTION 3. This Act takes effect September 1, 2007.

David Newkum  
President of the Senate

Tom Craddick  
Speaker of the House

I certify that H.B. No. 184 was passed by the House on April 12, 2007, by the following vote: Yeas 136, Nays 0, 1 present, not voting.

Robert Haney  
Chief Clerk of the House

I certify that H.B. No. 184 was passed by the Senate on May 15, 2007, by the following vote: Yeas 31, Nays 0.

Patricia Spaw  
Secretary of the Senate

APPROVED: 15 JUN 07  
Date

Rick Perry  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
3 PM O'CLOCK  
JUN 15 2007  
Roger Williams  
Secretary of State