



## *Synopsis of Senate Committee Amendments\**

*Dennis M. Papp*

*Legislative Service Commission*

### **Sub. H.B. 95**

126th General Assembly  
(S. Judiciary – Criminal Justice)

The Senate Committee added provisions to the House-passed version of the bill that:

(1) Increase the penalty for the offense of sexual battery committed on or after the bill's effective date in circumstances in which the victim of the offense is under 13 years of age to make it a felony of the second degree in those circumstances and also require a court sentencing an offender who commits the offense against a victim under 13 years of age to impose upon the offender a mandatory prison term from the range of prison terms specified in the Felony Sentencing Law for felonies of the second degree.

(2) Modify the punishment for the offense of gross sexual imposition committed on or after the bill's effective date in circumstances in which the other person, or one of the other persons, involved in the offense is less than 13 years of age as follows: (a) retaining the classification of the offense as a felony of the third degree; (b) providing that, except as described in clause (c) of this paragraph, for gross sexual imposition committed in those circumstances, there is a presumption that a prison term must be imposed for the offense; and (c) providing that the sentencing court is required to impose on an offender convicted of gross sexual imposition committed in those circumstances a mandatory prison term equal to one of the prison terms prescribed in the Felony Sentencing Law for a felony of the third degree if either of the following applies: (i) evidence was admitted in the case corroborating the violation, other than the testimony of the victim; or (ii) the offender previously was convicted of or pleaded guilty to a gross sexual imposition, rape, the former offense of felonious sexual penetration, or sexual battery, and the victim of the previous offense was under 13 years of age.

(3) Modify the Sex Offense Law definition of "sexual conduct" so that it means vaginal intercourse between a male and female; anal intercourse, fellatio, and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus, or other object into the vaginal or anal *opening* of another.

---

\* This synopsis does not address amendments that may have been adopted on the Senate floor.

(4) Authorize a person who was the victim of a sexually oriented offense to file a motion requesting a temporary protection order or file an action for a civil protection order for protection from the person who committed the sexually oriented offense.

(5) Provide that, if a person is convicted of a sexually oriented offense and is determined to be a sexual predator for that offense and the person does not serve a prison term or jail term, the court may require that the offender be monitored by means of a global positioning device.

H0095-126.doc/blf

3/29/06

