



ROMEO & JULIET

DEFENSE ACT:

Ensuring young LGBTQ+ people receive equal treatment under the law

Currently, Texas law has different standards for LGBTQ+ and straight youth when it comes to dating and engaging in intimate contact with teens under the age of consent. When young straight couples perform consensual intimate contact, including touching between fully clothed youth, the Romeo & Juliet Defense Act provides them with a defense from prosecution for “indecent with a child.” LGBTQ+ couples are not granted equivalent protection, putting both their future and freedom at risk.

Existing laws offer no protections for teens who are dating someone of the same sex.

It is a felony in Texas to engage in sexual contact with a person under the age of 17. However, the law creates an “out” in situations where the contact was consensual, the parties involved are over the age of 14, or if the parties are within three years of each other’s age and are of the opposite sex. This is a logical approach to the reality that adolescents sometimes make sexual decisions that adults may disapprove of - decisions that adolescents have

In 2005, the Kansas Supreme Court ruled that similar law in that state violated the Equal Protection Clause of the US Constitution.

been making since the beginning of time. Parents have the right to instill their values about sex into their children, but that conversation must remain between parents and their children, not between the parents, their children, the arresting officer, the bailiff, the prosecuting attorney and the trial judge.

This same “out” does not exist for teen sweethearts who are dating someone of the same sex, creating a risk that a teenager may be sent to prison and forced to register as a sex offender for becoming physical with their boyfriend or girlfriend.

Contextualizing Romeo & Juliet Laws

Since 1969, the Texas Penal Code has invariably recognized statutory rape as the sexual assault of a child, and defined “child” as anyone under the age of 17. This statute was true for all Texans, regardless of sexual orientation. When Governor Rick Perry enacted Romeo and Juliet Laws in 2011, the legislation challenged Texas’s 17-year-old age of consent for couples “of the opposite sex” by acknowledging the reality that young people frequently engage in consensual sexual intercourse.

LGBTQ+ youth can still be charged with a second-degree felony, punishable by up to 20 years in prison. Even the possibility that LGBTQ+ teens could face arrest as sex offenders will discourage some from seeking appropriate medical care. All youth should be treated equally, regardless of sexual orientation and or gender identity.

Related Bills in the 87th legislative session

- **HB 198** (M. Gonzalez, D-El Paso), **HB 1107** (Dominguez, D-Brownsville), **SB 1832** (Eckhardt, D-Austin)