

## **BILL ANALYSIS**

H.B. 3588  
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Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

It has been suggested that the penalties associated with the possession or promotion of child pornography and sexual performance by a child do not appropriately reflect the severity of the offense. H.B. 3588 seeks to address this issue by providing penalty increases for these offenses.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 3588 amends the Penal Code to increase from a third degree felony to a second degree felony the penalty for conduct constituting sexual performance by a child in which the actor, knowing the character and content of the material, produces, directs, or promotes a performance that includes sexual conduct by a child younger than 18 years of age. The bill increases to a first degree felony the penalty enhancement for such conduct in which the victim is younger than 14 years of age at the time the offense is committed.

H.B. 3588 increases the penalty for the first conviction for the offense of possession of child pornography from a third degree felony to a second degree felony and increases the penalty enhancement for the second conviction of the offense to a first degree felony.

### **EFFECTIVE DATE**

September 1, 2019.