

BILL ANALYSIS

Senate Research Center
76R1577 KEL-D

S.B. 33
By: Shapiro
Criminal Justice
3/1/1999
As Filed

DIGEST

Currently, possession of and promotion of child pornography are punishable by the same penalty: a third degree felony punishable by two to 10 years in a Texas Department of Criminal Justice facility. Promotion and peddling of child pornography can be considered a more serious offense than possessing pornography. S.B. 33 would clarify the distinction by punishing the offenders accordingly. This bill would also increase the punishment for an offense involving the promotion of child pornography to a felony of the second degree, punishable with a 20-year maximum sentence.

PURPOSE

As proposed, S.B. 33 increases the punishment for the offense of promotion of or possession with the intent to promote child pornography from a third degree to a second degree felony offense.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 43.26(g), Penal Code, to provide that an offense under Subsection (e) is a felony of the second degree, rather than a felony of the third degree.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1999

SECTION 4. Emergency clause.