

BILL ANALYSIS

Senate Research Center
76R8511 GWK-D

C.S.S.B. 33
By: Shapiro
Criminal Justice
3/4/1999
Committee Report (Substituted)

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. C.S.S.B. 33 would clarify the distinction by punishing the offenders accordingly by increasing 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, and redefining "sexual conduct."

PURPOSE

As proposed, C.S.S.B. 33 creates offenses for people who induce a minor to engage in certain conduct, redefines "sexual conduct," and increases the punishment for an offense involving the promotion of 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 15.031, Penal Code, to create offenses for a person who induces a minor to engage in certain conduct. Makes conforming changes.

SECTION 2. Amends Section 43.25(a)(2), Penal Code, to redefine "sexual conduct."

SECTION 3. 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 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 1999

SECTION 6. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Relating clause.

Amends the relating clause to provide that this Act relates to the prosecution of certain offenses involving the sexual exploitation of a child, rather than for the offense of promotion of child pornography.

SECTION 1.

Amends Section 15.031, Penal Code, to create offenses for a person who induces a minor to engage in certain conduct.

SECTION 2.

Amends Section 43.25(a)(2), Penal Code, to redefine “sexual conduct.”

SECTIONS 3-6.

Redesignated from existing SECTIONS 1-4.