

BILL ANALYSIS

Senate Research Center

H.B. 2228
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Criminal Justice
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, an individual who arranges a meeting over the Internet with a minor for the purposes of sexual activity must first physically appear at the meeting place in order to be charged with a crime. As a result, the state is unable to prosecute sexual predators who attempt to solicit a minor, or a police officer posing as a minor, for unlawful sexual activity when the individual does not show up for the meeting.

H.B. 2228 amends the Penal Code to allow for the filing of charges against individuals who engage in conversations over the Internet with the intent of meeting a minor for sexual activity.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 33, Penal Code, by adding Section 33.021, as follows:

Sec. 33.021. ONLINE SOLICITATION OF A MINOR. (a) Defines "minor," "sexual contact," "sexual intercourse," "deviate sexual intercourse," and "sexually explicit."

(b) Provides that a person who is 17 years of age or older commits an offense if, with the intent to arouse or gratify the sexual desire of any person, the person, over the Internet or by electronic mail or a commercial online service, intentionally communicates in a sexually explicit manner with a minor or distributes sexually explicit material to a minor.

(c) Provides that a person commits an offense if the person, over the Internet, by electronic mail, or a commercial online service, knowingly solicits a minor to meet another person, including the actor, with the intent that the minor will engage in sexual contact, sexual intercourse, or deviate sexual intercourse with the actor or another person.

(d) Sets forth the instances which are not a defense to the prosecution under Subsection (c).

(e) Sets forth instances which are a defense to the prosecution under this section that at the time conduct described by Subsection (b) or (c) was committed.

(f) Provides that an offense under Subsection (b) is a state jail felony, and an offense under Subsection (c) is a felony of the third degree, except that an offense under Subsection (b) or (c) is a felony of the second degree if the minor is younger than 14 years of age or is an individual whom the actor believes to be younger than 14 years of age.

(g) Authorizes the actor to be prosecuted under this section, other law, or both, if conduct that constitutes an offense under this section also constitutes an offense under any other law.

SECTION 2. Amends Article 62.01(5), Code of Criminal Procedure, to redefine "reportable conviction or adjudication."

SECTION 3. Effective date: upon passage or September 1, 2005.