

BILL ANALYSIS

Senate Research Center
80R2164 KCR-D

S.B. 120
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Children are especially vulnerable to victimization over the Internet. The Internet is a new, anonymous, effective conduit for predators to seek out children for criminal purposes such as producing and distributing child pornography, contacting and stalking children for the purpose of engaging in sexual acts, and exploiting children for sexual tourism for personal and commercial purposes.

As proposed, S.B. 120 establishes a clearinghouse of educational resources related to online safety at the Office of the Attorney General. The bill also directs school districts to update their discipline management programs to prevent the use of the Internet for sexual solicitation and increases the penalty for an adult convicted of online sexual solicitation of a minor.

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 Title 1, Code of Criminal Procedure, by adding Chapter 5A, as follows:

CHAPTER 5A. ONLINE SOLICITATION OF MINOR

Art. 5A.01. EDUCATIONAL MATERIALS. (a) Requires the attorney general to maintain on the attorney general's Internet website a link enabling an Internet user to access free of charge information and educational materials designed to prevent the commission of the offense of online solicitation of a minor under Section 33.021 (Online Solicitation of a Minor), Penal Code, or any substantially similar offense.

(b) Requires the information and educational materials to be appropriate for use in a classroom setting in a public primary or secondary school and designed to educate minors on ways to avoid being a victim or perpetrator of online solicitation or a substantially similar offense.

(c) Provides that the Internet link may link the user to information and educational materials prepared by the attorney general, another state agency, or certain private entities that operate in the computer industry.

SECTION 2. Amends Section 37.083(a), Education Code, as follows:

(a) Requires a discipline management program adopted and implemented by a school district to provide for the prevention of the offense of online solicitation of a minor or a substantially similar offense by educating students concerning ways to avoid becoming victims or perpetrators of that offense. Makes nonsubstantive changes.

SECTION 3. Amends Section 33.021(f), Penal Code, as follows:

(f) Provides that an offense under Subsection (c) is a second degree felony, rather than a third degree felony, except that an offense under Subsection (b) is a second degree felony

and an offense under Subsection (c) is a first degree felony if the minor is younger than 14 years of age or the actor believes the victim is younger than 14 years of age.

SECTION 4. (a) Requires the attorney general to post the Internet link not later than December 1, 2007.

(b) Requires each school district to modify its discipline management program as soon as possible after the posting of the attorney general's Internet link and not later than the first day of the 2008-2009 school year.

(c) Makes application of Section 33.021, Penal Code, as amended by this Act, prospective.

SECTION 5. Effective date: September 1, 2007.