A BILL TO BE ENTITLED
AN ACT
relating to the clarification of the offense of online sexual
solicitation of a minor.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Chapter 33, Penal Code, Section 33.021 is
amended to read as follows:
(a) In this section:
(1) "Minor" means:
(A) an individual who at time of contact with
actor is under the age of 17 years.
(B) an individual whom the actor believes to be
younger than 17 years of age at time of first contact.
(2) "Sexual contact," "sexual intercourse," and
"deviate sexual intercourse" have the meanings assigned by Section
21.01.
(3) "Sexually explicit" means any communication,
language, or material, including a photographic or video image,
which relates to or describes sexual conduct, as defined by Section
43.25.
(b) A person who is 18[17] years of age or older at time of
first contact commits an offense if, the actor exchanges in
sexually explicit communication or distributes sexually explicit
material, of either himself or herself, or of another person over
the Internet or by electronic mail or a commercial online service
or text message intentionally with a minor:
(1) communicates in a sexually explicit manner with a minor; or
(2) distributes sexually explicit material to a minor.
(c) A person commits an offense if the person, over the Internet or by electronic mail or text message 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) It is not a defense to prosecution under Subsection (c) that:
(1) the meeting did not occur;
(2) the actor did not intend for the meeting to occur;
or
(3) the actor was engaged in a fantasy at the time of commission of the offense under Subsection (b) or (c).
(e) It is a defense to prosecution under this section that at the time conduct described by Subsection (b) or (c) was committed:
(1) the actor was married to the minor; or
(2) the actor was not more than three years older than the minor and the minor consented to the conduct.
(f) An offense under Subsection (b) is a felony of the third degree, except that the offense is a felony of the second degree if the minor is younger than 14 years of age at time of first contact or is an individual who the actor believes to be younger than 14 years.
of at the commission of the offense. An offense under Subsection (c) is a felony of the second degree.

(g) If conduct that constitutes an offense under [this section] Sec. 33.021 also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.