

By: Raymond

H.B. No. 3797

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the offense of online solicitation of a minor.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 33.021(a), Penal Code, is amended by adding Subdivisions (1-a) and (1-b) to read as follows:

(1-a) "Patently offensive" has the meaning assigned by Section 43.21.

(1-b) "Sexual conduct" has the meaning assigned by Section 43.25.

SECTION 2. Section 33.021(b), Penal Code, is amended to read as follows:

(b) 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, by electronic mail or text message or other electronic message service or system, or through a commercial online service, intentionally:

(1) expresses to ~~[communicates in a sexually explicit manner with]~~ a minor that the actor intends to engage in sexual contact, sexual intercourse, or deviate sexual intercourse with the minor; or

(2) sends ~~[distributes sexually explicit material to]~~ a minor a communication that:

(A) the average person, applying contemporary

1 community standards, would find that taken as a whole appeals to a  
2 prurient interest harmful to minors;

3 (B) depicts or describes patently offensive  
4 representations or descriptions of sexual conduct; and

5 (C) taken as a whole, lacks serious literary,  
6 artistic, political, and scientific value.

7 SECTION 3. The change in law made by this Act applies only  
8 to an offense committed on or after the effective date of this Act.  
9 An offense committed before the effective date of this Act is  
10 governed by the law in effect on the date the offense was committed,  
11 and the former law is continued in effect for that purpose. For  
12 purposes of this section, an offense was committed before the  
13 effective date of this Act if any element of the offense occurred  
14 before that date.

15 SECTION 4. This Act takes effect September 1, 2015.