

AN ACT

relating to prosecution of certain criminal offenses prohibiting sexually explicit visual material involving children.

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

SECTION 1. Section 43.26, Penal Code, is amended by adding Subsection (i) to read as follows:

(i) For purposes of conduct prohibited under this section, visual material to which that conduct applies includes a depiction of a child:

(1) who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature; and

(2) whose image as a child younger than 18 years of age was used in creating, adapting, or modifying the visual material, including computer-generated visual material that was created, adapted, or modified using an artificial intelligence application or other computer software.

SECTION 2. Section 43.261, Penal Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) For purposes of conduct prohibited under Subsection (b), visual material to which that conduct applies includes a depiction of a minor:

(1) who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic,

1 such as a unique birthmark or other recognizable feature; and
2 (2) whose image as a minor was used in creating,
3 adapting, or modifying the visual material, including
4 computer-generated visual material that was created, adapted, or
5 modified using an artificial intelligence application or other
6 computer software.

7 SECTION 3. Section 43.262, Penal Code, is amended by adding
8 Subsection (b-1) to read as follows:

9 (b-1) For purposes of conduct prohibited under Subsection
10 (b), visual material to which that conduct applies includes a
11 depiction of a child:

12 (1) who is recognizable as an actual person by the
13 person's face, likeness, or other distinguishing characteristic,
14 such as a unique birthmark or other recognizable feature; and

15 (2) whose image as a child younger than 18 years of age
16 was used in creating, adapting, or modifying the visual material,
17 including computer-generated visual material that was created,
18 adapted, or modified using an artificial intelligence application
19 or other computer software.

20 SECTION 4. The changes in law made by this Act apply only to
21 an offense committed on or after the effective date of this Act. An
22 offense committed before the effective date of this Act is governed
23 by the law in effect on the date the offense was committed, and the
24 former law is continued in effect for that purpose. For purposes of
25 this section, an offense was committed before the effective date of
26 this Act if any element of the offense was committed before that
27 date.

1 SECTION 5. This Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 2700 was passed by the House on May 2, 2023, by the following vote: Yeas 145, Nays 1, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2700 was passed by the Senate on May 21, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor