

By: Thompson of Harris

H.B. No. 4509

A BILL TO BE ENTITLED

AN ACT

relating to creating the criminal offense of child grooming.

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

SECTION 1. Chapter 15, Penal Code, is amended by adding Section 15.032 to read as follows:

Sec. 15.032. CHILD GROOMING. (a) A person commits an offense if, with the intent that an offense under Chapter 43 or an offense involving sexual activity, the occurrence of which would subject the actor to criminal liability under Chapter 20A, 21, or 22, be committed, the person knowingly persuades, induces, entices, or coerces, or attempts to persuade, induce, entice, or coerce, a child younger than 18 years of age to engage in specific conduct that, under the circumstances surrounding the actor's conduct as the actor believes them to be, would:

(1) constitute an offense under Chapter 43 or an offense involving sexual activity the occurrence of which would subject the actor to criminal liability under Chapter 20A, 21, or 22; or

(2) make the child a party to the commission of an offense described by Subdivision (1).

(b) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor has previously been convicted of an offense under:

(1) Chapter 20A, if the offense involved conduct

1 described by Section 20A.02(a)(7) or (8);

2 (2) Section 21.02;

3 (3) Section 21.11;

4 (4) Section 22.011, if the victim of the offense was a
5 child under 18 years of age; or

6 (5) Section 22.021, if the victim of the offense was a
7 child under 18 years of age.

8 (c) It is an affirmative defense to prosecution under this
9 section that the actor is under the age of 18 and:

10 (1) the actor engaged in conduct described by
11 Subsection (a) with respect to another child under the age of 18:

12 (A) who is not more than three years older or
13 younger than the actor and with whom the actor had a dating
14 relationship at the time of the offense; or

15 (B) who was the spouse of the actor at the time of
16 the offense; and

17 (2) the conduct occurred only between the actor and
18 the other child described by Subdivision (1).

19 (d) If conduct constituting an offense under this section
20 also constitutes an offense under another section of this code, the
21 actor may be prosecuted under either section but not both sections.

22 SECTION 2. This Act takes effect September 1, 2023.