

BILL ANALYSIS

C.S.H.B. 60
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In 1996, changes to federal legislation singled out computer users in child-porn cases, closing a loophole that allowed many computer voyeurs to avoid prosecution. Congress added computers to existing child pornography law and increased the penalty for child pornography collectors who utilize computers. Many prosecutors agree that child porn collectors are dangerous because they often evolve into violent sex offenders. The pornographic images serve to wet the appetite of pedophiles who eventually become child molesters. Psychologists maintain that these individuals go through three stages: (1) There are people in the collector stage who eventually grow tired and bored of collecting pictures via the Internet. (2) In an effort to view children live, they enter the second stage, and watch children at play. (3) Eventually, they reach the third stage - molesting a child.

The easy access of the Internet and acquiring pictures online, coupled with the presumed anonymity of the Web, have emboldened people who otherwise might not have gone to the lengths required years ago to obtain pornographic pictures of children. The Internet provides these individuals with what they believe is relative anonymity by enabling them to form “communities” or “chat rooms” electronically that validate their actions and desires. Thus, the Internet has fueled the fire and created a new market for child pornography, often featuring children who are sometimes of preschool age and even younger. House Bill 60 enhances the penalties for those individuals who use the Internet to promote or solicit child pornography and the exploitation of children.

RULEMAKING AUTHORITY

It is the committee’s opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 60 enhances the penalties for those individuals who use the Internet to promote or solicit child pornography and the exploitation of children. With just a few clicks on the Internet, one can easily access “chat rooms” flooded with pornographic images featuring children or teenagers. Many of these pictures, which take seconds to download are exchanged in chat rooms and electronic bulletin boards. Some of these pictures can be obtained at no cost. The simple act of downloading these pornographic pictures is a felony punishable by five years or more in federal prison. Individual states must also do their part to address this growing problem. The Internet has created a new market for child pornography, making it easier for people to trade and sell pictures via computers and electronically. It threatens to fuel a surge of new abuses against children.

Despite existing federal legislation more tools are necessary to address this growing problem. As the Internet becomes increasingly prevalent and accessible, prosecutors fear that the problem may worsen before new laws can keep pace with the flood of violators, especially repeat offenders. Thus, it is important that individual states do their part to address this growing problem.

This legislation would help crack down on the problem in Texas by increasing the penalties by one category if a person used the Internet to promote child pornography and exploit children electronically via

computers.

EFFECTIVE DATE

September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute differs from the original by conforming to Texas Legislative Council style and format.