

By: Wise, Riddle, West

H.B. No. 60

Substitute the following for H.B. No. 60:

By: Keel

C.S.H.B. No. 60

A BILL TO BE ENTITLED

AN ACT

relating to the punishment for the offense of possessing or promoting child pornography.

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

SECTION 1. Sections 43.26(d) and (g), Penal Code, are amended to read as follows:

(d) An offense under Subsection (a) is a felony of the third degree, unless the visual material possessed by the actor is an image transmitted to a computer by telephone line, cable, satellite transmission, or other method, in which event the offense is a felony of the second degree.

(g) An offense under Subsection (e) is a felony of the second degree, unless the visual material promoted by the actor or possessed by the actor with intent to promote is an image transmitted to a computer by telephone line, cable, satellite transmission, or other method, in which event the offense is a felony of the first degree.

SECTION 2. (a) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed,

1 and the former law is continued in effect for that purpose.

2 SECTION 3. This Act takes effect September 1, 2003.