

By: Wise

H.B. No. 60

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

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

23 (b) An offense committed before the effective date of this
24 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.