

By: West

H.B. No. 237

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to evidence offered in the prosecution of the offense of  
3 child pornography.

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

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

7 (h) In a prosecution under this section, the defendant may  
8 offer evidence to establish that the material does not depict a  
9 person or depicts a person who was 18 years of age or older at the  
10 time of the commission of the offense only if the attorney  
11 representing the defendant provides notice of that intention to the  
12 court and the attorney representing the state not later than the  
13 10th day before the date on which the trial on the merits commences.

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

19 (b) The prosecution of an offense committed before the  
20 effective date of this Act is covered by the law in effect when the  
21 offense was committed, and the former law is continued in effect for  
22 that purpose.

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