

By: Wise

H.B. No. 1762

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of offenses involving soliciting or enticing a minor.

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

SECTION 1. Sections 15.031(a) and (e), Penal Code, are amended to read as follows:

(a) A person commits an offense if, with intent that an offense [~~listed by Section 3g(a)(1), Article 42.12, Code of Criminal Procedure,~~] be committed, the person requests, commands, or attempts to induce a minor to engage in specific conduct that, under the circumstances surrounding the actor's conduct as the actor believes them to be, would constitute an offense [~~listed by Section 3g(a)(1), Article 42.12,~~] or make the minor a party to the commission of an offense [~~listed by Section 3g(a)(1), Article 42.12~~].

(e) An offense under this section is one category lower than the solicited offense, except that if the solicited offense is a Class C misdemeanor, the offense under this section is a Class C misdemeanor.

SECTION 2. Section 25.04(b), Penal Code, is amended to read as follows:

(b) An offense under this section is a Class B misdemeanor, unless it is shown on the trial of the offense that the actor intended to commit:

1 (1) a felony against the child, in which event an
2 offense under this section is a felony of the third degree; or

3 (2) a misdemeanor against the child, in which event an
4 offense under this section is a Class A misdemeanor.

5 SECTION 3. (a) This Act takes effect September 1, 2003.

6 (b) The change in law made by this Act applies only to an
7 offense committed on or after September 1, 2003. An offense
8 committed before September 1, 2003, is covered by the law in effect
9 when the offense was committed, and the former law is continued in
10 effect for that purpose. For the purposes of this subsection, an
11 offense was committed before September 1, 2003, if any element of
12 the offense was committed before that date.