

## **BILL ANALYSIS**

H.B. 839  
By: Riddle  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, upon final conviction for an offense involving obscene material or devices, the court shall order the obscene material to be destroyed or forfeited to the state. The State routinely obtains felony convictions of individuals who possess child pornography which meet the definition of obscene material. However, it is not printed material, but rather electronic computer images and is contained on the hard drive of the suspects computer. This bill amends the Code of Criminal Procedure to require that electronic materials and computers used to possess or promote child pornography be forfeited or destroyed upon final conviction.

### **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**

H.B. 839 amends Article 18.18 of the Code of Criminal Procedure to require the courts to order the digital images and equipment that store child pornography to be forfeited or destroyed.

### **EFFECTIVE DATE**

September 1, 2005.