

## **BILL ANALYSIS**

H.B. 1074  
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Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The current obscenity statute does not prevent the visual depiction of activities constituting murder, capital murder, sexual assault, or aggravated sexual assault. There are currently websites and other forms of medium depicting these types of activities, often for a fee, for the purpose of sexual gratification. These websites have been visited by offenders who then commit crimes that are portrayed on the sites.

HB 1074 would prohibit the wholesale promotion or possession of such activities by making an offense punishable by a third degree felony. It would also prohibit a person from promoting or possessing such items with the intent to promote any obscene material, obscene device, or producing, presenting, or directing an obscene performance or participating in a portion thereof that is obscene by making it a state jail felony.

### **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**

HB 1074 amends Penal Code Sections 43.23(h) and (j) to increase the penalties to a felony of the third degree for the wholesale promotion or possession of obscene materials or devices that are visual depictions that include conduct constituting murder, capital murder, sexual assault, or aggravated sexual assault. It also increases the penalty to a state jail felony if a person, knowing the content and character, promotes or possesses with intent to promote any obscene material or obscene device or produces, presents, or directs an obscene performance or participates in a portion thereof that is obscene or that contributes to its obscenity including the visual depictions of conduct constituting murder, capital murder, sexual assault, or aggravated sexual assault.

### **EFFECTIVE DATE**

September 1, 2005.