

BILL ANALYSIS

H.B. 2258
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Chapter 62 of the Code of Criminal Procedure requires persons convicted of certain offenses to register as a sex offender. Offenses which subject a person to the registration requirements include offenses such as indecency with a minor, sexual assault, prohibited sexual conduct, sexual performance by a minor, possession or promotion of child pornography, kidnapping, and several other offenses. Missing, however, from the list of offenses is obscenity where the crime involves a child.

§43.23, Penal Code states that a person commits an offense if, knowing its content and character, he wholesale promotes or possesses with intent to wholesale promote any obscene material or obscene device, as defined in §43.21. Currently, the punishment for the offense of obscenity is increased when the offense involves a child.

H.B. 2258 would subject a person convicted of obscenity, if the offense involves or depicts a person under the age of 18 engaging in activities defined as obscene under 43.21(a)(1)(B) of the Penal Code, to the sex offender registration requirements in Chapter 62 of the Penal Code.

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

SECTION 1. Amends Article 62.01(5), Code of Criminal Procedure to include in the definition of "reportable conviction or adjudication" a conviction for a violation of §43.23 (Obscenity) if the offense is punishable under Subsection (h) of that section.

SECTION 2. Amends Article 62.12(a), Code of Criminal Procedure to provide that a person with a reportable conviction or adjudication for a violation of §43.23 (Obscenity) if the offense is punishable under Subsection (h) of that section, is required to register as a sex offender for life.

SECTION 3. Provides that these changes apply to an offense committed or conduct engaged in before, on or after September 1, 2005.

SECTION 4. Effective Date. September 1, 2005

EFFECTIVE DATE

September 1, 2005.