

By: Deuell

S.B. No. 1292

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the requirement that a person operating a pornographic  
3 Internet site obtain proof of customer age eligibility; providing a  
4 criminal penalty.

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

6 SECTION 1. Subchapter D, Chapter 35, Business & Commerce  
7 Code, is amended by adding Section 35.62 to read as follows:

8 Sec. 35.62. OPERATORS OF PORNOGRAPHIC INTERNET SITES  
9 REQUIRED TO OBTAIN PROOF OF CUSTOMER AGE ELIGIBILITY. (a) In this  
10 section:

11 (1) "Harmful material" has the meaning assigned by  
12 Section 43.24, Penal Code.

13 (2) "Minor" means a person younger than 18 years of  
14 age.

15 (3) "Operator of a pornographic Internet site" means a  
16 person who operates from a location in this state an Internet site  
17 that displays harmful material.

18 (b) An operator of a pornographic Internet site who requires  
19 a customer to purchase a membership to view material on the site  
20 shall obtain a photocopy of a potential customer's driver's  
21 license, by mail or facsimile, before issuing a membership to the  
22 customer to verify that the customer is not a minor.

23 (c) An operator of a pornographic Internet site shall  
24 maintain the photocopy obtained under Subsection (b) as a business

1 record until the third anniversary of the date the customer's  
2 membership expires.

3 (d) A person who violates this section commits an offense.  
4 An offense under this section is a state jail felony.

5 SECTION 2. This Act takes effect September 1, 2005.