

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**May 18, 2005**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE: HB2228** by McCall (Relating to the creation of the offense of online sexual solicitation of a minor.), **As Engrossed**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
--

The bill would amend the Penal Code by creating the offense of on-line solicitation of a minor. The bill would make communicating in a sexually explicit manner or distributing sexually explicit material to a minor over the Internet or by electronic mail or a commercial on-line service, with the intent to arouse or gratify the sexual desire of a person, a state jail felony. The bill also would make knowingly soliciting a minor to meet another person, including the actor, for the purpose of engaging in sexual contact or sexual intercourse via the Internet or by electronic mail or a commercial on-line service an offense of the third degree. The punishment for these offenses would be enhanced to a felony of the second degree if the minor is younger than 14 years of age or is an individual who the actor believes to be younger than 14 years of age. The bill would also amend the Code of Criminal Procedure by including on-line solicitation of a minor as a reportable conviction or adjudication under the Sex Offender Registration Program. The bill would take effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.

The impact of the bill would depend on the number of persons caught and convicted of the offense; however, the increased workload and demand for resources would probably not be substantial.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated for enforcement, prosecution, or punishment activities associated with the offense.

**Source Agencies:**

**LBB Staff:** JOB, BT, GG, KJG