

BILL ANALYSIS

Senate Research Center
80R2433 KCR-D

H.B. 401
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

New legislation is necessary to address the problem of the solicitation of minors online through the use of such technology and the use of new technology by some teachers to further improper relationships with their students. While it is a crime to use certain types of technology to solicit minors and a crime for teachers to have sexual relationships with students, limited definitions of both crimes are a shortcoming in the current law.

H.B. 401 adds the use of text messages or other electronic message services to the list of ways in which the offense of online solicitation of a minor may be committed. The bill expands the offense of improper relationship between educator and student to include online solicitation of a minor, regardless of the age of the victim.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to any state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 21.12(a), Penal Code, to provide that an employee of a public or private primary or secondary school commits an offense if the employee engages in, among other things, conduct described by Section 33.021 (Online Solicitation of a Minor), with a person who is enrolled in a public or private elementary or secondary schools at which the employee works and who is not the employee's spouse, regardless of the age of that person.

SECTION 2. Amends Sections 33.021(b) and (c), Penal Code, as follows:

(b) Provides that a person who is 17 years of age or older commits an offense if, with the intent to arouse or gratify the sexual desire of any person, the person, over the Internet, by electronic mail, or text message or other electronic message service or system, or through a commercial online service, intentionally communicates in a sexually explicit manner with a minor or distributes sexually explicit material to a minor.

(c) Makes conforming changes.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2007.