

BILL ANALYSIS

H.B. 401
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current statute does not explicitly contain certain types of communications that are considered sexual offenses against minors or certain students. With technological advances, new methods of communications between adults and minors or students are constantly being created. Dangerous predators are protected from prosecution by using text messages or other electronic message service or system for solicitation of a minor.

H.B. 401 adds text messaging and other electronic message services or systems as ways that a person can commit an offense of solicitation of a minor.

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

House Bill 401 amends the Penal Code and adds that it is an offense if a person, who is 17 years of age or older, with the intent to arouse or gratify the sexual desire of any person, through 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. A person also commits an offense if the person knowingly solicits a minor to meet another person, including the actor, with the intent that the minor will engage in sexual contact, sexual intercourse, or deviate sexual intercourse with the actor or another person through text message or other electronic message service or system or through a commercial online service. The bill provides that an employee of a public or private primary or secondary school commits an offense if the employee engages in conduct described by Section 33.021, Penal Code, with a person described by Section 21.12(a)(1), Penal Code, regardless of the age of that person.

Makes the application of this Act prospective.

EFFECTIVE DATE

September 1, 2007.