

By: Brown of Kaufman, et al.

H.B. No. 401

A BILL TO BE ENTITLED

AN ACT

relating to the use of text messages and other electronic media to
commit certain sexual offenses against minors or certain students.

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

SECTION 1. Section 21.12(a), Penal Code, is amended to read
as follows:

(a) An employee of a public or private primary or secondary
school commits an offense if the employee engages in:

(1) sexual contact, sexual intercourse, or deviate
sexual intercourse with a person who is enrolled in a public or
private primary or secondary school at which the employee works and
who is not the employee's spouse; or

(2) conduct described by Section 33.021, with a person
described by Subdivision (1), regardless of the age of that person.

SECTION 2. Sections 33.021(b) and (c), Penal Code, are
amended to read as follows:

(b) 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, ~~or~~ by electronic
mail or text message or other electronic message service or system,
or through a commercial online service, intentionally:

(1) communicates in a sexually explicit manner with a
minor; or

(2) distributes sexually explicit material to a minor.

1 (c) A person commits an offense if the person, over the
2 Internet, ~~or~~ by electronic mail or text message or other
3 electronic message service or system, or through a commercial
4 online service, knowingly solicits a minor to meet another person,
5 including the actor, with the intent that the minor will engage in
6 sexual contact, sexual intercourse, or deviate sexual intercourse
7 with the actor or another person.

8 SECTION 3. The change in law made by this Act applies only
9 to an offense committed on or after the effective date of this Act.
10 An offense committed before the effective date of this Act is
11 covered by the law in effect when the offense was committed, and the
12 former law is continued in effect for that purpose. For the
13 purposes of this section, an offense was committed before the
14 effective date of this Act if any element of the offense was
15 committed before that date.

16 SECTION 4. This Act takes effect September 1, 2007.