

1-1 By: Brown of Kaufman, et al. H.B. No. 401
1-2 (Senate Sponsor - Zaffirini)
1-3 (In the Senate - Received from the House April 26, 2007;
1-4 May 1, 2001, read first time and referred to Committee on Criminal
1-5 Justice; May 16, 2007, reported favorably by the following vote:
1-6 Yeas 6, Nays 0; May 16, 2007, sent to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the use of text messages and other electronic media to
1-10 commit certain sexual offenses against minors or certain students.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 21.12(a), Penal Code, is amended to read
1-13 as follows:

1-14 (a) An employee of a public or private primary or secondary
1-15 school commits an offense if the employee engages in:

1-16 (1) sexual contact, sexual intercourse, or deviate
1-17 sexual intercourse with a person who is enrolled in a public or
1-18 private primary or secondary school at which the employee works and
1-19 who is not the employee's spouse; or

1-20 (2) conduct described by Section 33.021, with a person
1-21 described by Subdivision (1), regardless of the age of that person.

1-22 SECTION 2. Sections 33.021(b) and (c), Penal Code, are
1-23 amended to read as follows:

1-24 (b) A person who is 17 years of age or older commits an
1-25 offense if, with the intent to arouse or gratify the sexual desire
1-26 of any person, the person, over the Internet, ~~or~~ by electronic
1-27 mail or text message or other electronic message service or system,
1-28 or through a commercial online service, intentionally:

1-29 (1) communicates in a sexually explicit manner with a
1-30 minor; or

1-31 (2) distributes sexually explicit material to a minor.

1-32 (c) A person commits an offense if the person, over the
1-33 Internet, ~~or~~ by electronic mail or text message or other
1-34 electronic message service or system, or through a commercial
1-35 online service, knowingly solicits a minor to meet another person,
1-36 including the actor, with the intent that the minor will engage in
1-37 sexual contact, sexual intercourse, or deviate sexual intercourse
1-38 with the actor or another person.

1-39 SECTION 3. The change in law made by this Act applies only
1-40 to an offense committed on or after the effective date of this Act.
1-41 An offense committed before the effective date of this Act is
1-42 covered by the law in effect when the offense was committed, and the
1-43 former law is continued in effect for that purpose. For the
1-44 purposes of this section, an offense was committed before the
1-45 effective date of this Act if any element of the offense was
1-46 committed before that date.

1-47 SECTION 4. This Act takes effect September 1, 2007.

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