

BILL ANALYSIS

S.B. 710
By: Nelson
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, it is a Class A misdemeanor to employ a child under the age of 18 in a sexually oriented business. The current penalty is inadequate to address the harm such employment inflicts. Employment in a sexually oriented business puts children in physical and emotional danger. It is a second degree felony to possess and promote child pornography (Section 43.26, Penal Code). Therefore, employing children in sexually oriented businesses should also be punished as a second degree felony.

S.B. 710 amends current law relating to the punishment for the offense of employment harmful to children.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 43.251(c), Penal Code, to provide that an offense under this section is a Class A misdemeanor, unless it is shown on the trial of the offense that the defendant has previously been convicted of an offense under this section, in which event the offense is a felony of the third degree.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.

EFFECTIVE DATE

September 1, 2009.