

BILL ANALYSIS

C.S.H.B. 1011
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current Texas law criminalizing the online solicitation of a minor makes it an offense to knowingly solicit through the Internet or other electronic communications a minor to meet another person, including the actor, with the intent that the minor will engage in certain sexual activity with such person. However, the law does not address offenders who subsequently travel to meet a minor after soliciting the minor. C.S.H.B. 1011 seeks to address this additional improper conduct within the scope of the offense of online solicitation of a minor and to provide an enhanced penalty for such conduct.

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

C.S.H.B. 1011 amends the Penal Code to increase the minimum term of imprisonment for the offense of online solicitation of a minor to meet another person for the purpose of engaging in sexual conduct from the standard second degree felony minimum of two years to five years if the actor, after soliciting the minor on the actor's own behalf, travels with the intent to meet the minor.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1011 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 33.021, Penal Code, is amended by amending Subsection (f) and adding Subsection (f-1) to read as follows:
(f) An offense under Subsection (b) is a felony of the third degree, except that the offense is a felony of the second degree if the minor is younger than 14 years of age or is an individual whom the actor believes to be younger than 14 years of age at the time

HOUSE COMMITTEE SUBSTITUTE

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(f) An offense under Subsection (b) is a felony of the third degree, except that the offense is a felony of the second degree if the minor is younger than 14 years of age or is an individual whom the actor believes to be younger than 14 years of age at the time

of the commission of the offense.

(f-1) An offense under Subsection (c) is a felony of the second degree, except that the minimum term of imprisonment for the offense is increased to five years if the actor, after soliciting the minor on the actor's own behalf, travels or attempts to travel any distance with the intent to meet the minor.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. This Act takes effect September 1, 2013.

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(f-1) An offense under Subsection (c) is a felony of the second degree, except that the minimum term of imprisonment for the offense is increased to five years if the actor, after soliciting the minor on the actor's own behalf, travels with the intent to meet the minor.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.