

## **BILL ANALYSIS**

S.B. 344  
By: Huffman  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The offense of online solicitation of a minor was created to combat the growing number of Internet and technology-related crimes committed or attempted against children and to allow law enforcement to stop an online predator before the predator has the opportunity to meet or injure a child. Law enforcement agencies face an ongoing battle to protect children from the grooming techniques of online predators which often involve the predator befriending a child online, developing the child's trust, and engaging in sexually explicit conversations. The end result in many cases is a meeting with the child to solicit sex or to assault the child. Interested parties note that a recent court decision ruled that part of the statute governing the offense is unconstitutional. S.B. 344 seeks to modify the statute.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **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**

S.B. 344 amends the Penal Code to change who is considered a minor for purposes of an online solicitation of a minor offense from an individual who represents himself or herself to be younger than 17 years of age to an individual who is younger than 17 years of age. The bill changes the requisite intent for an online solicitation of a minor offense committed by a person who is 17 years of age or older and who communicates in a sexually explicit manner with a minor or distributes sexually explicit material to a minor from the intent to arouse or gratify the sexual desire of any person to the intent to commit one of the following offenses: continuous sexual abuse of a young child or children, indecency with a child, sexual assault, aggravated sexual assault, prohibited sexual conduct with a family member, compelling prostitution, sexual performance by a child, possession or promotion of child pornography, or a certain human trafficking offense. The bill removes the defenses to prosecution for online solicitation of a minor involving that conduct and removes statutory provisions establishing that it is not a defense to prosecution for online solicitation of a minor that an actor who knowingly solicits a minor to meet another person with the intent that the minor will engage in sexual contact, sexual intercourse, or deviate sexual intercourse with the actor or another person either did not intend for the meeting to occur or was engaged in a fantasy at the time of the commission of the offense.

**EFFECTIVE DATE**

September 1, 2015.