

By: Dale, King of Parker, Sheffield, Burkett,
Frullo, et al.

H.B. No. 861

Substitute the following for H.B. No. 861:

By: Herrero

C.S.H.B. No. 861

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the offense of online solicitation
of a minor.

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

SECTION 1. Sections 33.021(b), (d), and (e), 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 induce a minor to engage in conduct
with the actor or another person that would constitute an offense
under Section 21.11, 22.011, 22.021, 43.25, or 43.26 ~~[arouse or~~
~~gratify the sexual desire of any person]~~, the person, over the
Internet, 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.

(d) It is not a defense to prosecution under Subsection (c)
that ~~[+~~

~~[(1)]~~ the meeting did not occur ~~[+~~

~~[(2) the actor did not intend for the meeting to occur,~~

~~or~~

~~[(3) the actor was engaged in a fantasy at the time of~~
~~commission of the offense].~~

1 (e) It is a defense to prosecution under this section that
2 at the time conduct described by Subsection [~~(b)~~ ~~or~~] (c) was
3 committed:

4 (1) the actor was married to the minor; or

5 (2) the actor was not more than three years older than
6 the minor and the minor consented to the conduct.

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

15 SECTION 3. This Act takes effect September 1, 2015.