

BILL ANALYSIS

S.B. 1322
By: Kolkhorst
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that penalties for child pornography offenses should better reflect the heinous nature of these crimes and vary based on the age of the minor depicted in the visual material. S.B. 1322 seeks to address this issue by revising the punishment framework for possession or promotion of child pornography.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes 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. 1322 amends the Penal Code to enhance from a third degree felony to a second degree felony the penalty for an offense involving possessing or accessing with intent to view child pornography if the child depicted in the visual material was younger than 14 years of age at the time the image was made. The bill changes the previous convictions that trigger penalty enhancements for an offense involving possessing or accessing with intent to view child pornography to a second or first degree felony from one or two previous convictions, respectively, of that offense to one or two previous convictions, respectively, of any possession or promotion of child pornography offense. The bill changes the previous convictions that trigger a penalty enhancement for an offense involving promoting or possessing with intent to promote child pornography to a first degree felony from a previous conviction of that offense to a previous conviction of any possession or promotion of child pornography offense.

EFFECTIVE DATE

September 1, 2017.