

By: Hughes

S.B. No. 2191

A BILL TO BE ENTITLED

AN ACT

relating to certain sexual offenses; creating a criminal offense;
increasing a criminal penalty.

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

SECTION 1. Section 21.16(g), Penal Code, as added by Chapter 852 (S.B. 1135), Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(g) An offense under this section is a state jail felony [~~Class A misdemeanor~~].

SECTION 2. Chapter 21, Penal Code, is amended by adding Section 21.18 to read as follows:

Sec. 21.18. SEXUAL COERCION. (a) In this section:

(1) "Intimate visual material" means the visual material described by Section 21.16(b)(1) or (c), as added by Chapter 852 (S.B. 1135), Acts of the 84th Legislature, Regular Session, 2015.

(2) "Sexual conduct" has the meaning assigned by Section 43.25.

(b) A person commits an offense if the person intentionally threatens, including by coercion or extortion, to commit an offense under Chapter 43 or Section 20A.02(a)(3), (4), (7), or (8), 21.02, 21.08, 21.11, 21.12, 21.15, 21.16, as added by Chapter 852 (S.B. 1135), Acts of the 84th Legislature, Regular Session, 2015, 21.16, as added by Chapter 676 (H.B. 207), Acts of the 84th Legislature,

1 Regular Session, 2015, 22.011, or 22.021 to obtain, in return for
2 not committing the threatened offense or in connection with the
3 threatened offense, any of the following benefits:

- 4 (1) intimate visual material;
- 5 (2) an act involving sexual conduct causing arousal or
6 gratification; or
- 7 (3) a monetary benefit or other benefit of value.

8 (c) A person commits an offense if the person intentionally
9 threatens, including by coercion or extortion, to commit an offense
10 under Chapter 19 or 20 or Section 20A.02(a)(1), (2), (5), or (6) to
11 obtain, in return for not committing the threatened offense or in
12 connection with the threatened offense, either of the following
13 benefits:

- 14 (1) intimate visual material; or
- 15 (2) an act involving sexual conduct causing arousal or
16 gratification.

17 (d) This section applies to a threat regardless of how that
18 threat is communicated, including a threat transmitted through
19 e-mail or an Internet website, social media account, or chat room
20 and a threat made by other electronic or technological means.

21 (e) An offense under this section is a state jail felony,
22 except that the offense is a felony of the third degree if it is
23 shown on the trial of the offense that the defendant has previously
24 been convicted of an offense under this section.

25 SECTION 3. The change in law made by this Act applies only
26 to an offense committed on or after the effective date of this Act.
27 An offense committed before the effective date of this Act is

1 governed by the law in effect on the date the offense was committed,
2 and the former law is continued in effect for that purpose. For
3 purposes of this section, an offense was committed before the
4 effective date of this Act if any element of the offense was
5 committed before that date.

6 SECTION 4. This Act takes effect September 1, 2017.