

By: Garcia

S.B. No. 2238

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the offense of sexual coercion.

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

SECTION 1. 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:

(1) with the intent to coerce another person either to engage in sexual conduct or to produce, provide, or distribute intimate visual material, the actor communicates a threat:

(A) against the other person's person, property, or reputation; or

(B) to distribute or cause distribution of intimate visual material of the other person; or

(2) the actor knowingly causes another person to engage in sexual conduct or to produce, provide, or distribute intimate visual material, by means of a threat:

(A) against the other person's person, property,

1 or reputation; or

2 (B) to distribute or cause distribution of  
3 intimate visual material of the other person.

4 (c) This section applies to a threat regardless of how that  
5 threat is communicated, including a threat transmitted through  
6 e-mail or an Internet website, social media account, or chat room  
7 and a threat made by other electronic or technological means.

8 (d) An offense under this section is a state jail felony,  
9 except that the offense is a felony of the third degree if:

10 (1) it is shown on the trial of the offense that the  
11 defendant has previously been convicted of an offense under this  
12 section; or

13 (2) the victim was younger than 18 years of age at the  
14 time of the offense.

15 (e) If conduct that constitutes an offense under this  
16 section also constitutes an offense under any other law, the actor  
17 may be prosecuted under this section, the other law, or both.

18 SECTION 2. This Act takes effect September 1, 2017.