

1-1 By: Garcia S.B. No. 2238
 1-2 (In the Senate - Filed March 10, 2017; March 29, 2017, read
 1-3 first time and referred to Committee on Criminal Justice;
 1-4 April 27, 2017, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 7, Nays 0; April 27, 2017,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14	X			
1-15			X	
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 2238 By: Whitmire

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the creation of the offense of sexual coercion.
 1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-23 SECTION 1. Chapter 21, Penal Code, is amended by adding
 1-24 Section 21.18 to read as follows:
 1-25 Sec. 21.18. SEXUAL COERCION. (a) In this section:
 1-26 (1) "Intimate visual material" means the visual
 1-27 material described by Section 21.16(b)(1) or (c), as added by
 1-28 Chapter 852 (S.B. 1135), Acts of the 84th Legislature, Regular
 1-29 Session, 2015.
 1-30 (2) "Sexual conduct" has the meaning assigned by
 1-31 Section 43.25.
 1-32 (b) A person commits an offense if:
 1-33 (1) with the intent to coerce another person either to
 1-34 engage in sexual conduct or to produce, provide, or distribute
 1-35 intimate visual material, the actor communicates a threat:
 1-36 (A) against the other person's person, property,
 1-37 or reputation; or
 1-38 (B) to distribute or cause distribution of
 1-39 intimate visual material of the other person; or
 1-40 (2) the actor knowingly causes another person to
 1-41 engage in sexual conduct or to produce, provide, or distribute
 1-42 intimate visual material, by means of a threat:
 1-43 (A) against the other person's person, property,
 1-44 or reputation; or
 1-45 (B) to distribute or cause distribution of
 1-46 intimate visual material of the other person.
 1-47 (c) This section applies to a threat regardless of how that
 1-48 threat is communicated, including a threat transmitted through
 1-49 e-mail or an Internet website, social media account, or chat room
 1-50 and a threat made by other electronic or technological means.
 1-51 (d) An offense under this section is a state jail felony,
 1-52 except that the offense is a felony of the third degree if:
 1-53 (1) it is shown on the trial of the offense that the
 1-54 defendant has previously been convicted of an offense under this
 1-55 section; or
 1-56 (2) the victim was younger than 18 years of age at the
 1-57 time of the offense.
 1-58 (e) If conduct that constitutes an offense under this
 1-59 section also constitutes an offense under any other law, the actor
 1-60 may be prosecuted under this section, the other law, or both.

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

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