

By: Huffman

S.B. No. 1730

A BILL TO BE ENTITLED

AN ACT

relating to increasing the criminal penalties for the offenses of producing, directing, or promoting a sexual performance by a child and possessing child pornography.

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

SECTION 1. Section 43.25(e), Penal Code, is amended to read as follows:

(e) An offense under Subsection (d) is a felony of the second ~~[third]~~ degree, except that the offense is a felony of the first ~~[second]~~ degree if the victim is younger than 14 years of age at the time the offense is committed, regardless of whether the actor knows the age of the victim at the time of the offense.

SECTION 2. Section 43.26(d), Penal Code, is amended to read as follows:

(d) An offense under Subsection (a) is a felony of the second ~~[third]~~ degree, except that the offense is ~~[+]~~

~~[(1) a felony of the second degree if it is shown on the trial of the offense that the person has been previously convicted one time of an offense under that subsection, and~~

~~[(2)]~~ a felony of the first degree if it is shown on the trial of the offense that the person has been previously convicted ~~[two or more times]~~ of an offense under that subsection.

SECTION 3. The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An

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

6 SECTION 4. This Act takes effect September 1, 2019.