

BILL ANALYSIS

C.S.H.B. 3110
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been suggested that the current penalties for the possession or promotion of visual material depicting the sexual abuse of a child do not appropriately match the heinous nature of the crime. There have been calls to strengthen the punishment for the offense as a means to further deter this inexcusable form of exploitation. C.S.H.B. 3110 seeks to address this issue by increasing the penalties for this offense.

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

C.S.H.B. 3110 amends the Penal Code to rename the offense for possessing or promoting child pornography and to increase penalties associated with the offense.

C.S.H.B. 3110 renames the offense as the possession or promotion of child sexual abuse material and increases the penalty for the possession of the material from a third degree felony to a second degree felony. The bill enhances the penalty for a subsequent conviction of the possession offense from a second degree felony to a first degree felony. The bill sets the minimum term of imprisonment for the second degree felony promotion offense at five years.

C.S.H.B. 3110 amends the Code of Criminal Procedure to make a defendant adjudged guilty of possessing or promoting child sexual abuse material ineligible for judge-ordered or jury-recommended community supervision.

C.S.H.B. 3110 amends the Business & Commerce Code, Estates Code, Family Code, and Health and Safety Code to make conforming changes.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3110 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes the following provisions, which are absent from the original:

- Code of Criminal Procedure provisions making a defendant adjudged guilty of the offense ineligible for judge-ordered or jury-recommended community supervision; and
- Health and Safety Code provisions conforming to those Code of Criminal Procedure provisions.