

By: Hughes

S.B. No. 834

A BILL TO BE ENTITLED

AN ACT

relating to the punishment for possession of child pornography;  
increasing criminal penalties.

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

SECTION 1. Section 43.26, Penal Code, is amended by  
amending Subsection (d) and adding Subsection (d-1) to read as  
follows:

(d) An offense under Subsection (a) is:

(1) a felony of the third degree if the person  
possesses visual material that contains fewer than 10 visual  
depictions of a child as described by Subsection (a)(1);

(2) [~~, 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 possesses visual material  
that contains 10 or more visual depictions of a child as described  
by Subsection (a)(1) but fewer than 200 such depictions [~~has been  
previously convicted one time of an offense under that subsection~~];

or

(3) [~~and~~

[~~(2)~~] a felony of the first degree if [~~it is shown on the  
trial of the offense that~~] the person possesses visual material  
that contains 200 or more visual depictions of a child as described  
by Subsection (a)(1) [~~has been previously convicted two or more  
times of an offense under that subsection~~].

1        (d-1) If it is shown on the trial of an offense under  
2 Subsection (a) that the defendant has been previously convicted of  
3 an offense under that subsection:

4            (1) an offense described for purposes of punishment by  
5 Subsection (d)(1) or (2) is increased to the next higher category of  
6 offense; or

7            (2) the minimum term of confinement for an offense  
8 described for purposes of punishment by Subsection (d)(3) is  
9 increased to 15 years.

10        SECTION 2. The change in law made by this Act applies only  
11 to an offense committed on or after the effective date of this Act.  
12 An offense committed before the effective date of this Act is  
13 governed by the law in effect on the date the offense was committed,  
14 and the former law is continued in effect for that purpose. For  
15 purposes of this section, an offense was committed before the  
16 effective date of this Act if any element of the offense occurred  
17 before that date.

18        SECTION 3. This Act takes effect September 1, 2021.