

1-1 By: Guillen, et al. (Senate Sponsor - Huffman) H.B. No. 2700
1-2 (In the Senate - Received from the House May 3, 2023;
1-3 May 5, 2023, read first time and referred to Committee on Criminal
1-4 Justice; May 17, 2023, reported favorably by the following vote:
1-5 Yeas 7, Nays 0; May 17, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Whitmire	X		
1-9	Flores	X		
1-10	Bettencourt	X		
1-11	Hinojosa	X		
1-12	Huffman	X		
1-13	King	X		
1-14	Miles	X		

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to prosecution of certain criminal offenses prohibiting
1-18 sexually explicit visual material involving children.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 43.26, Penal Code, is amended by adding
1-21 Subsection (i) to read as follows:

1-22 (i) For purposes of conduct prohibited under this section,
1-23 visual material to which that conduct applies includes a depiction
1-24 of a child:

1-25 (1) who is recognizable as an actual person by the
1-26 person's face, likeness, or other distinguishing characteristic,
1-27 such as a unique birthmark or other recognizable feature; and

1-28 (2) whose image as a child younger than 18 years of age
1-29 was used in creating, adapting, or modifying the visual material,
1-30 including computer-generated visual material that was created,
1-31 adapted, or modified using an artificial intelligence application
1-32 or other computer software.

1-33 SECTION 2. Section 43.261, Penal Code, is amended by adding
1-34 Subsection (b-1) to read as follows:

1-35 (b-1) For purposes of conduct prohibited under Subsection
1-36 (b), visual material to which that conduct applies includes a
1-37 depiction of a minor:

1-38 (1) who is recognizable as an actual person by the
1-39 person's face, likeness, or other distinguishing characteristic,
1-40 such as a unique birthmark or other recognizable feature; and

1-41 (2) whose image as a minor was used in creating,
1-42 adapting, or modifying the visual material, including
1-43 computer-generated visual material that was created, adapted, or
1-44 modified using an artificial intelligence application or other
1-45 computer software.

1-46 SECTION 3. Section 43.262, Penal Code, is amended by adding
1-47 Subsection (b-1) to read as follows:

1-48 (b-1) For purposes of conduct prohibited under Subsection
1-49 (b), visual material to which that conduct applies includes a
1-50 depiction of a child:

1-51 (1) who is recognizable as an actual person by the
1-52 person's face, likeness, or other distinguishing characteristic,
1-53 such as a unique birthmark or other recognizable feature; and

1-54 (2) whose image as a child younger than 18 years of age
1-55 was used in creating, adapting, or modifying the visual material,
1-56 including computer-generated visual material that was created,
1-57 adapted, or modified using an artificial intelligence application
1-58 or other computer software.

1-59 SECTION 4. The changes in law made by this Act apply only to
1-60 an offense committed on or after the effective date of this Act. An
1-61 offense committed before the effective date of this Act is governed

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

2-6 SECTION 5. This Act takes effect September 1, 2023.

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