

By: Hall

S.B. No. 88

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the prosecution of the criminal offense of sale,
3 distribution, or display of harmful material to a minor.

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

5 SECTION 1. Section 43.24(a)(2), Penal Code, is amended to
6 read as follows:

7 (2) "Harmful material" means material that [~~whose~~
8 ~~dominant theme taken as a whole~~]:

9 (A) appeals to the prurient interest of a minor,
10 in sex, nudity, or excretion;

11 (B) is patently offensive to prevailing
12 standards in the adult community as a whole with respect to what is
13 suitable for minors; and

14 (C) is [~~utterly~~] without redeeming social value
15 for minors.

16 SECTION 2. The change in law made by this Act applies only
17 to an offense committed on or after the effective date of this Act.
18 An offense committed before the effective date of this Act is
19 governed by the law in effect on the date the offense was committed,
20 and the former law is continued in effect for that purpose. For
21 purposes of this section, an offense was committed before the
22 effective date of this Act if any element of the offense occurred
23 before that date.

24 SECTION 3. This Act takes effect September 1, 2025.