

1-1 By: Huffman S.B. No. 344  
1-2 (In the Senate - Filed January 23, 2015; February 2, 2015,  
1-3 read first time and referred to Committee on Criminal Justice;  
1-4 March 25, 2015, reported favorably by the following vote: Yeas 5,  
1-5 Nays 0; March 25, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9			X	
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			

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

1-17 relating to the prosecution of the offense of online solicitation  
1-18 of a minor.

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

1-20 SECTION 1. Section 33.021(a)(1), Penal Code, is amended to  
1-21 read as follows:

1-22 (1) "Minor" means:

1-23 (A) an individual who is ~~represents himself or~~  
1-24 ~~herself to be~~ younger than 17 years of age; or

1-25 (B) an individual whom the actor believes to be  
1-26 younger than 17 years of age.

1-27 SECTION 2. Section 33.021, Penal Code, is amended by  
1-28 amending Subsections (b), (d), and (e) to read as follows:

1-29 (b) A person who is 17 years of age or older commits an  
1-30 offense if, with the intent to commit an offense listed in Article  
1-31 62.001(5)(A), (B), or (K), Code of Criminal Procedure ~~arouse or~~  
1-32 ~~gratify the sexual desire of any person~~, the person, over the  
1-33 Internet, by electronic mail or text message or other electronic  
1-34 message service or system, or through a commercial online service,  
1-35 intentionally:

1-36 (1) communicates in a sexually explicit manner with a  
1-37 minor; or

1-38 (2) distributes sexually explicit material to a minor.

1-39 (d) It is not a defense to prosecution under Subsection (c)  
1-40 that ~~+~~

1-41 ~~(1)~~ the meeting did not occur ~~+~~

1-42 ~~(2) the actor did not intend for the meeting to occur;~~  
1-43 ~~or~~

1-44 ~~(3) the actor was engaged in a fantasy at the time of~~  
1-45 ~~commission of the offense].~~

1-46 (e) It is a defense to prosecution under this section that  
1-47 at the time conduct described by Subsection ~~(b) or~~ (c) was  
1-48 committed:

1-49 (1) the actor was married to the minor; or

1-50 (2) the actor was not more than three years older than  
1-51 the minor and the minor consented to the conduct.

1-52 SECTION 3. The change in law made by this Act applies only  
1-53 to an offense committed on or after the effective date of this Act.  
1-54 An offense committed before the effective date of this Act is  
1-55 governed by the law in effect on the date the offense was committed,  
1-56 and the former law is continued in effect for that purpose. For  
1-57 purposes of this section, an offense was committed before the  
1-58 effective date of this Act if any element of the offense occurred  
1-59 before that date.

1-60 SECTION 4. This Act takes effect September 1, 2015.

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