

1-1 By: Dale, Moody, Fallon H.B. No. 1810
 1-2 (Senate Sponsor - Buckingham)
 1-3 (In the Senate - Received from the House May 10, 2017;
 1-4 May 10, 2017, read first time and referred to Committee on Criminal
 1-5 Justice; May 17, 2017, reported favorably by the following vote:
 1-6 Yeas 8, Nays 0; May 17, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16			X	
1-17	X			

1-18 A BILL TO BE ENTITLED
 1-19 AN ACT

1-20 relating to the creation of the offense of possession or promotion
 1-21 of lewd visual material depicting a child.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Subchapter B, Chapter 43, Penal Code, is amended
 1-24 by adding Section 43.262 to read as follows:

1-25 Sec. 43.262. POSSESSION OR PROMOTION OF LEWD VISUAL
 1-26 MATERIAL DEPICTING CHILD. (a) In this section:

1-27 (1) "Promote" and "sexual conduct" have the meanings
 1-28 assigned by Section 43.25.

1-29 (2) "Visual material" has the meaning assigned by
 1-30 Section 43.26.

1-31 (b) A person commits an offense if the person knowingly
 1-32 possesses, accesses with intent to view, or promotes visual
 1-33 material that:

1-34 (1) depicts the lewd exhibition of the genitals or
 1-35 pubic area of an unclothed, partially clothed, or clothed child who
 1-36 is younger than 18 years of age at the time the visual material was
 1-37 created;

1-38 (2) appeals to the prurient interest in sex; and

1-39 (3) has no serious literary, artistic, political, or
 1-40 scientific value.

1-41 (c) An offense under this section is a state jail felony,
 1-42 except that the offense is:

1-43 (1) a felony of the third degree if it is shown on the
 1-44 trial of the offense that the person has been previously convicted
 1-45 one time of an offense under this section or Section 43.26; and

1-46 (2) a felony of the second degree if it is shown on the
 1-47 trial of the offense that the person has been previously convicted
 1-48 two or more times of an offense under this section or Section 43.26.

1-49 (d) It is not a defense to prosecution under this section
 1-50 that the depicted child consented to the creation of the visual
 1-51 material.

1-52 SECTION 2. This Act takes effect September 1, 2017.

1-53 * * * * *