

AN ACT

relating to the creation of the criminal offense of possession, promotion, or production of certain obscene visual material appearing to depict a child.

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

SECTION 1. Subchapter B, Chapter 43, Penal Code, is amended by adding Section 43.235 to read as follows:

Sec. 43.235. POSSESSION, PROMOTION, OR PRODUCTION OF CERTAIN VISUAL MATERIAL APPEARING TO DEPICT CHILD. (a) In this section:

(1) "Promote" has the meaning assigned by Section 43.25.

(2) "Visual material" has the meaning assigned by Section 43.26.

(b) A person commits an offense if the person:

(1) knowingly possesses, accesses with intent to view, or promotes obscene visual material containing a depiction that appears to be of a child younger than 18 years of age engaging in activities described by Section 43.21(a)(1)(B), regardless of whether the depiction is an image of an actual child, a cartoon or animation, or an image created using an artificial intelligence application or other computer software; or

(2) uses an image of an actual child younger than 18 years of age at the time the image was made with the intent to train

an artificial intelligence model to produce visual material
constituting child pornography under Section 43.26.

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

(1) a felony of the third degree if it is shown on the
trial of the offense that the person has been previously convicted
one time of an offense under this section or Section 43.23, 43.26,
43.261, or 43.262; or

(2) a felony of the second degree if it is shown on the
trial of the offense that the person has been previously convicted
two or more times of an offense under this section, Section 43.23,
43.26, 43.261, or 43.262, or any combination of those offenses.

(d) If conduct constituting an offense under this section
also constitutes an offense under another law, the actor may be
prosecuted under this section, the other law, or both.

SECTION 2. Section 3.03(b), Penal Code, is amended to read
as follows:

(b) If the accused is found guilty of more than one offense
arising out of the same criminal episode, the sentences may run
concurrently or consecutively if each sentence is for a conviction
of:

(1) an offense:

(A) under Section 49.07 or 49.08, regardless of
whether the accused is convicted of violations of the same section
more than once or is convicted of violations of both sections; or

(B) for which a plea agreement was reached in a
case in which the accused was charged with more than one offense

1 listed in Paragraph (A), regardless of whether the accused is
2 charged with violations of the same section more than once or is
3 charged with violations of both sections;

4 (2) an offense:

5 (A) under Section 33.021 or an offense under
6 Section 21.02, 21.11, 22.011, 22.021, 25.02, or 43.25 committed
7 against a victim younger than 17 years of age at the time of the
8 commission of the offense regardless of whether the accused is
9 convicted of violations of the same section more than once or is
10 convicted of violations of more than one section; or

11 (B) for which a plea agreement was reached in a
12 case in which the accused was charged with more than one offense
13 listed in Paragraph (A) committed against a victim younger than 17
14 years of age at the time of the commission of the offense regardless
15 of whether the accused is charged with violations of the same
16 section more than once or is charged with violations of more than
17 one section;

18 (3) an offense:

19 (A) under Section 21.15 or 43.26, regardless of
20 whether the accused is convicted of violations of the same section
21 more than once or is convicted of violations of both sections; or

22 (B) for which a plea agreement was reached in a
23 case in which the accused was charged with more than one offense
24 listed in Paragraph (A), regardless of whether the accused is
25 charged with violations of the same section more than once or is
26 charged with violations of both sections;

27 (4) an offense for which the judgment in the case

contains an affirmative finding under Article 42.0197, Code of Criminal Procedure;

(5) an offense:

(A) under Section 20A.02, 20A.03, or 43.05, regardless of whether the accused is convicted of violations of the same section more than once or is convicted of violations of more than one section; or

(B) for which a plea agreement was reached in a case in which the accused was charged with more than one offense listed in Paragraph (A), regardless of whether the accused is charged with violations of the same section more than once or is charged with violations of more than one section;

(6) an offense:

(A) under Section 22.04(a)(1) or (2) or Section 22.04(a-1)(1) or (2) that is punishable as a felony of the first degree, regardless of whether the accused is convicted of violations of the same section more than once or is convicted of violations of more than one section; or

(B) for which a plea agreement was reached in a case in which the accused was charged with more than one offense listed in Paragraph (A) and punishable as described by that paragraph, regardless of whether the accused is charged with violations of the same section more than once or is charged with violations of more than one section; ~~or~~

(7) an offense under Section 43.235 or an offense for which a plea agreement was reached in a case in which the accused was charged with more than one offense under Section 43.235; or

1 (8) any combination of offenses listed in Subdivisions
2 (1)-(7) [~~(1)-(6)~~].

3 SECTION 3. Section 71.02(a), Penal Code, as amended by
4 Chapters 269 (S.B. 224), 369 (H.B. 1442), 462 (S.B. 1900), 885 (H.B.
5 4635), and 910 (H.B. 6), Acts of the 88th Legislature, Regular
6 Session, 2023, is reenacted and amended to read as follows:

7 (a) A person commits an offense if, with the intent to
8 establish, maintain, or participate in a combination or in the
9 profits of a combination or as a member of a criminal street gang or
10 foreign terrorist organization, the person commits or conspires to
11 commit one or more of the following:

12 (1) murder, capital murder, arson, aggravated
13 robbery, robbery, burglary, theft, aggravated kidnapping,
14 kidnapping, aggravated assault, aggravated sexual assault, sexual
15 assault, continuous sexual abuse of young child or disabled
16 individual, solicitation of a minor, forgery, deadly conduct,
17 assault punishable as a Class A misdemeanor, burglary of a motor
18 vehicle, or unauthorized use of a motor vehicle;

19 (2) any gambling offense punishable as a Class A
20 misdemeanor;

21 (3) promotion of prostitution, aggravated promotion
22 of prostitution, or compelling prostitution;

23 (4) unlawful manufacture, transportation, repair, or
24 sale of firearms or prohibited weapons;

25 (5) unlawful manufacture, delivery, dispensation, or
26 distribution of a controlled substance or dangerous drug, or
27 unlawful possession of a controlled substance or dangerous drug:

1 (A) through forgery, fraud, misrepresentation,
2 or deception; or

3 (B) with the intent to deliver the controlled
4 substance or dangerous drug;

5 (5-a) causing the unlawful delivery, dispensation, or
6 distribution of a controlled substance or dangerous drug in
7 violation of Subtitle B, Title 3, Occupations Code;

8 ~~[(5-b) any unlawful possession with intent to deliver~~
9 ~~a controlled substance or dangerous drug;~~

10 ~~[(5-b) unlawful possession with intent to deliver a~~
11 ~~controlled substance listed in Penalty Group 1-B under Section~~
12 ~~481.1022, Health and Safety Code,]~~

13 (6) any unlawful wholesale promotion or possession of
14 any obscene material or obscene device with the intent to wholesale
15 promote the same;

16 (7) any offense under Subchapter B, Chapter 43,
17 depicting or involving conduct by or directed toward a child
18 younger than 18 years of age;

19 (8) any felony offense under Chapter 32;

20 (9) any offense under Chapter 36;

21 (10) any offense under Chapter 34, 35, or 35A;

22 (11) any offense under Section 37.11(a);

23 (12) any offense under Chapter 20A;

24 (13) any offense under Section 37.10;

25 (14) any offense under Section 38.06, 38.07, 38.09, or
26 38.11;

27 (15) any offense under Section 42.10;

1 (16) any offense under Section 43.235;
2 (17) any offense under Section 46.06(a)(1) or 46.14;
3 (18) [~~(17)~~] any offense under Section 20.05, 20.06, or
4 20.07;
5 (19) [~~(18)~~] any offense under Section 16.02;
6 (20) [~~(19)~~] any offense punishable under Section
7 42.03(d) or (e);
8 (21) [~~(19)~~] an offense under Section 28.03 that is
9 punishable under Subsection (b)(4)(E) of that section;
10 (22) [~~(20)~~] an offense under Section 31.21 that is
11 punishable under Subsection (d) of that section; [~~or~~]
12 (23) [~~(20)~~] any offense classified as a felony under
13 the Tax Code; or
14 (24) [~~(21)~~] any offense under Section 545.420,
15 Transportation Code.

16 SECTION 4. 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 5. This Act takes effect September 1, 2025.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 20 passed the Senate on March 12, 2025, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 26, 2025, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 20 passed the House, with amendment, on May 22, 2025, by the following vote: Yeas 139, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor