

BILL ANALYSIS

Senate Research Center

S.B. 674
By: Brown
Criminal Justice
2-26-97
As Filed

DIGEST

Currently, the Texas Penal Code is not keeping pace with technology in the area of child pornography, and a loophole exists which impedes the prosecution of possession or promotion of child pornography when images are depicted or distributed by computer. This legislation incorporates all types of technology into a newly created definition of "visual material" in order to better prosecute child pornography crimes.

PURPOSE

As proposed, S.B. 674 establishes the prosecution of the offense of possession or promotion of child pornography.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 43.26(a), (b), and (f), Penal Code, to provide that a person commits an offense if the person knowingly or intentionally possesses visual material, rather than material containing a film image, that visually depicts a child younger than 18 years of age at the time the image of the child was made who is engaging in sexual conduct; and the person knows that the material depicts the child as such. Deletes the definition of "film image." Defines "visual material" as any film, photograph, videotape, negative, slide, or any photographic reproduction incorporating or containing any of these mediums; any disk, diskette, or other physical medium that allows an image to be displayed on a computer or other video screen; and any image transmitted to a computer or other video screen by telephone line, cable, satellite transmission, or other method. Provides that a person who possesses visual material that contains six or more identical visual depictions of, rather than film images depicting, a child as described by Subsection (a)(1) is presumed to possess the material, rather than film images, with the intent to promote the material. Makes conforming changes.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.