

BILL ANALYSIS

Senate Research Center

H.B. 2291
By: Parker et al. (Perry)
Criminal Justice
5/22/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 2291 amends current law relating to increasing the punishment for certain persons convicted of the offense of possession or promotion of child pornography.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 43.26(d) and (g), Penal Code, as follows:

(d) Provides that an offense under Subsection (a) (providing that a person commits an offense if the person knowingly or intentionally possesses, or knowingly or intentionally accesses with intent to view, visual material 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, including a child who engages in sexual conduct as a victim of an offense under certain sections and the person knows that the material depicts the child as described by Subdivision (1)) is a felony of the second degree, rather than third degree, except that the offense is a felony of the first degree if it is shown on the trial of the offense that the person has been previously convicted one or more times of an offense under that subsection.

(g) Provides that an offense under Subsection (e) (providing that a person commits an offense if the person knowingly or intentionally promotes or possesses with intent to promote material described by Subsection (a)(1) and the person knows that the material depicts the child as described by Subsection (a)(1)) is a felony of the first degree, rather than second degree.

SECTION 2. Amends Section 508.145, Government Code, by adding Subsection (e-1) to provide that an inmate serving a sentence for an offense under Section 43.26 (Possession or Promotion of Child Pornography), Penal Code, is not eligible for release on parole until the inmate's actual calendar time served, without consideration of good conduct time, equals one-half of the inmate's sentence.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2015.