

## **BILL ANALYSIS**

H.B. 2291  
By: Parker  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Concerned parties note that federal law governing the possession or promotion of child pornography contains a graduated penalty schedule for an offender with multiple convictions. Because many minors who are victims of human trafficking are depicted in child pornography, the parties believe that a graduated penalty schedule for subsequent convictions of such offenses is necessary in order to discourage the demand for these illegal products and to adequately address the punishment of the offenders. Additionally, the parties note that other states have adopted graduated penalty schedules for these reasons but that Texas law does not currently provide for similar enhanced penalties, regardless of how many times an offender has been previously convicted. H.B. 2291 seeks to address this situation.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 2291 amends the Penal Code to enhance the penalty for possession of child pornography from a third degree felony to a second degree felony if the actor has been previously convicted of one such offense and to a first degree felony if the actor has been previously convicted of two or more such offenses. The bill enhances from a second degree felony to a first degree felony the penalty for any subsequent conviction of promotion of child pornography.

### **EFFECTIVE DATE**

September 1, 2015.