

BILL ANALYSIS

H.B. 2974
By: Dale
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties explain that there is a need for stronger protections against the crime of sexual coercion, in which an individual intentionally coerces a victim to engage in sexual conduct, produce intimate visual material, or provide a monetary benefit by means of threatening to commit an act of violence or a sexual offense if the victim does not comply. H.B. 2974 seeks to provide for these protections by creating the state jail felony offense of sexual coercion.

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. 2974 amends the Penal Code to create the state jail felony offense of sexual coercion for a person who intentionally threatens, including by coercion or extortion, to commit an offense classified as a public indecency offense, certain human trafficking offenses, or certain sexual or assaultive offenses to obtain, in return for not committing the threatened offense or in connection with the threatened offense, intimate visual material, an act involving sexual conduct causing arousal or gratification, or a monetary benefit or other benefit of value; or a person who intentionally threatens, including by coercion or extortion, to commit a homicide offense, certain human trafficking offenses, or a kidnapping, unlawful restraint, or smuggling of persons offense to obtain, in return for not committing the threatened offense or in connection with the threatened offense, intimate visual material or an act involving sexual conduct causing arousal or gratification. The bill enhances the penalty for a subsequent conviction of sexual coercion to a third degree felony and establishes that these sexual coercion offense provisions apply to a threat regardless of how that threat is communicated.

H.B. 2974 increases the penalty for unlawful disclosure or promotion of intimate visual material from a Class A misdemeanor to a state jail felony.

EFFECTIVE DATE

September 1, 2017.