

BILL ANALYSIS

H.B. 2789
By: Meyer
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been suggested that the state's laws should be updated to address the use of modern electronic communications technology to send unsolicited, sexually explicit visual material to unwilling recipients. H.B. 2789 seeks to provide a deterrent to those considering engaging in this behavior and protect the unwilling recipients by creating the offense of unlawful electronic transmission of sexually explicit visual material.

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. 2789 amends the Penal Code to create the Class C misdemeanor offense of unlawful electronic transmission of sexually explicit visual material for a person who knowingly transmits by electronic means visual material that:

- depicts any person engaging in sexual conduct or with the person's intimate parts exposed or depicts covered genitals of a male person that are in a discernibly turgid state; and
- is not sent at the request of or with the express consent of the recipient.

If conduct constituting the offense of unlawful electronic transmission of sexually explicit visual material also constitutes an offense under any other law, the actor may be prosecuted under the bill's provisions or under the other law.

EFFECTIVE DATE

September 1, 2019.