

## **BILL ANALYSIS**

C.S.H.B. 3111  
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Criminal Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

It has been noted that current state law regarding the online solicitation of a minor allows for a loophole that makes it difficult to prevent and prosecute these types of solicitations. Currently, it is against the law for an individual to solicit a minor to engage in sexual contact, sexual intercourse, or deviate sexual intercourse with the actor or another person. The current loophole involves the solicitation of an individual who is not necessarily a minor, but the solicitation would result in someone having sexual contact with a minor. C.S.H.B. 3111 seeks to address this issue by creating an offense for the solicitation of an individual with the intent to engage in sexual contact, sexual intercourse, or deviate sexual intercourse with a minor.

### **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**

C.S.H.B. 3111 amends the Penal Code to create a second degree felony offense for a person who over the Internet, by electronic mail or text message or other electronic message service or system, or through a commercial online service, knowingly solicits a person with the intent that the solicitation will cause a minor to meet another person, including the actor, to engage in sexual contact, sexual intercourse, or deviate sexual intercourse. The bill extends to this conduct the applicability of the defense to prosecution for online solicitation relating to a minor and establishes that it is not a defense to prosecution that the meeting did not occur.

C.S.H.B. 3111 amends the Code of Criminal Procedure to make a defendant adjudged guilty of online solicitation relating to a minor ineligible for judge-ordered or jury-recommended community supervision.

C.S.H.B. 3111 amends the Health and Safety Code to make conforming changes.

### **EFFECTIVE DATE**

September 1, 2021.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3111 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes the following, which were absent from the original:

- provisions making a defendant adjudged guilty of online solicitation relating to a minor ineligible for judge-ordered or jury-recommended community supervision; and
- conforming revisions to Health and Safety Code provisions relating to the revocation, suspension, disqualification, and denial of certain emergency medical services certifications and licenses.