

SUBJECT: Creating offense for electronic transmission of sexually explicit material

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 8 ayes — Collier, Zedler, K. Bell, J. González, P. King, Moody, Murr,
Pacheco

0 nays

1 absent — Hunter

WITNESSES: For — Whitney Herd, Bumble; (*Registered, but did not testify*: Frederick Frazier, Dallas Police Association, FOP 716, State FOP; Mary Castle, Texas Values; Nicole Hudgens, Texas Values Action; Trayce Bradford)

Against — None

DIGEST: HB 2789 would establish a criminal offense for the unlawful transmission of sexually explicit visual material. It would be an offense to knowingly transmit by electronic means visual material that was not sent at the request of or with the express consent of the recipient and depicted:

- any person engaged in sexual conduct or with the person's intimate parts exposed; or
- covered genitals of a male person that were in a discernibly turgid state.

Offenses would be class C misdemeanors (maximum fine of \$500).

If conduct that constituted an offense under this section also constituted an offense under any other law, prosecutions could occur under this section or the other law.

The bill would take effect September 1, 2019.