

SUBJECT: Revising offense of online solicitation of a minor

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: 9 ayes — Collier, K. Bell, Cason, Cook, Crockett, Hinojosa, A. Johnson, Murr, Vasut

0 nays

WITNESSES: For —Lindsey Dula, Alliance For Children; Chara McMichael, BCFS Health and Human Services Human Trafficking Interdiction; Carrie Paschall, Dallas Children's Advocacy Center and CACTX; Sonya Ryan, The Carly Ryan Foundation; Tony Godwin; Brandon Poor; (*Registered, but did not testify*: Jamey Caruthers, Children at Risk; Jennifer Szimanski, Combined Law Enforcement Associations of Texas; Frederick Frazier, Dallas Police Association/FOP716 State FOP Director; James Parnell, Dallas Police Association; Traci Berry, Goodwill Central Texas; George Craig, Houston Police Department; Ray Hunt, HPOU; Joseph Scaramucci, McLennan County Sheriff's Office; Laura Nodolf, Midland County District Attorney's Office; Jo Cassandra Cuevas, Operation Texas Shield; Jimmy Rodriguez, San Antonio Police Officers Association; Lindy Borchardt, for Sharen Wilson, Tarrant County Criminal District Attorney; Tom Maddox, Sheriffs Association of Texas; Rachana Chhin, Texas Catholic Conference; John Wilkerson, Texas Municipal Police Association; Thomas Parkinson)

Against — None

On — (*Registered, but did not testify*: Cara Pierce, Office of the Attorney General)

BACKGROUND: Penal Code sec. 33.021 makes the online solicitation of a minor a crime. The offense can be committed if an individual uses the internet, electronic mail, text messages, a similar system, or a commercial online service, to knowingly solicit a minor to meet another person, including the individual, with the intent that the minor will engage in sexual contact,

sexual intercourse, or deviate sexual intercourse with the actor or another person.

Concerns have been raised that language in current statute is too narrow to take into account instances in which the action does not fit under the current language but would have the same effect as soliciting a minor, such as when someone solicits another to bring a minor to a meeting for sex.

DIGEST: CSHB 3111 would expand the offense of online solicitation of a minor to make it an offense if an individual used the internet, electronic mail, text messages, a similar system or a commercial online service to knowingly solicit a person with the intent that the solicitation will cause a minor to meet another person to engage in sexual contact, sexual intercourse, or deviate sexual intercourse.

The bill would rename the offense from "online solicitation of a minor" to "online solicitation relating to a minor" and would add it to the lists of offenses for which judges and juries cannot impose community supervision.

The bill would take effect September 1, 2021.