

SUBJECT: Parole eligibility for certain online solicitation of a minor offenses

COMMITTEE: Corrections — favorable, without amendment

VOTE: 8 ayes — Murr, Allen, Bailes, Burrows, Rodriguez, Sherman, Slaton,
White

0 nays

1 absent — Martinez Fischer

WITNESSES: For — (*Registered, but did not testify*: George Craig, Houston Police
Department; AJ Louderback and Tom Maddox, Sheriffs Association of
Texas)

Against — None

On — (*Registered, but did not testify*: David Gutierrez, Texas Board of
Pardons and Paroles)

BACKGROUND: Penal Code sec. 33.021 makes the online solicitation of a minor a crime. Under sec. 33.021(c) it is a second-degree felony (two to 20 years in prison and an optional fine of up to \$10,000) for an individual to use the internet, email, text message, or another electronic message system, or to use 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 individual or another person. Other online solicitation of a minor offenses involving communicating with a minor or distributing sexually explicit material to a minor is punished as a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000).

Government Code sec. 508.145(f) in general makes individuals who are not subject to specific provisions on parole eligibility eligible for release on parole when their actual time served plus good conduct time equals one-fourth of their sentence or 15 years, whichever is less.

Under Government Code sec. 508.145(d)(1), individuals serving sentences for certain offenses are not eligible for release on parole until their actual calendar time served, without consideration of good conduct time, equals one-half of their sentence or 30 years, whichever is less, with a minimum of two years.

DIGEST: HB 379 would make individuals convicted of an offense for online solicitation of a minor that was punishable as a second-degree felony ineligible for parole consideration until their actual calendar time served, without consideration of good conduct time, equaled one-half of their sentence or 30 years, whichever was less, with a minimum of two years.

The bill would take effect September 1, 2021, and would apply to offenses committed on or after that date.

SUPPORTERS SAY: HB 379 would make sure that those convicted of the most serious offenses involving online solicitation of a minor spent an appropriate amount of their sentence in prison by increasing the amount of time that such individuals would have to serve before being eligible for parole.

Currently, these individuals would be eligible for parole as soon as after serving one-fourth of their sentence. Given the predatory nature of offenses that involve soliciting minors with the intent that the minor would engage in sexual contact, those convicted of such offenses should have to serve at least half of their sentences before being considered for parole.

The bill is narrowly drawn to target the worst of online solicitation cases. The harm done to children through these online solicitation cases warrant it being treated like other serious offenses that require offenders to serve one-half of their sentences. The bill would more appropriately punish those who commit this type of offense involving online solicitation of a minor, and could help prevent serious sex offenses that may occur following online solicitation.

CRITICS
SAY:

HB 379 would be inconsistent with current law by placing some online solicitation cases with the aggravated and violent offenses that currently require individuals to serve half of their sentence before being considered for parole. If an online solicitation offense also involved a sex offense, punishments for those crimes, many of which require long prison terms before parole eligibility, would be available.