

BILL ANALYSIS

Senate Research Center
82R5414 SJM-D

H.B. 1344
By: Burkett (Deuell)
Criminal Justice
4/29/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, certain offenses exist regarding the sale, distribution, or exhibition of material that is harmful to a minor, and it is a defense to prosecution that the sale, distribution, or exhibition was to a minor who was accompanied by a consenting parent, guardian, or spouse. This presents a problem if a parent shows the parent's child pornography over the objection of the other parent. H.B. 1344 seeks to remedy this problem by addressing matters relating to certain defenses to prosecution for the offense of sale, distribution, or exhibition of harmful material to a minor.

H.B. 1344 amends current law relating to certain defenses to prosecution for the offense of sale, distribution, or display of harmful material to a minor.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 43.24, Penal Code, by amending Subsection (c) and adding Subsection (c-1), as follows:

(c) Provides that it is an affirmative defense to prosecution under this section that the sale, distribution, or exhibition of harmful material to a minor was by a person having scientific, educational, governmental, or other similar justification. Deletes existing text providing that it is a defense to prosecution under this section that the sale, distribution, or exhibition was to a minor who was accompanied by a consenting parent, guardian, or spouse.

(c-1) Provides that it is a defense to prosecution under this section that the actor was the spouse of the minor at the time of the offense.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2011.