

1 AN ACT

2 relating to the use of text messages and other electronic media to  
3 commit certain sexual offenses against minors or certain students.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 21.12(a), Penal Code, is amended to read  
6 as follows:

7 (a) An employee of a public or private primary or secondary  
8 school commits an offense if the employee engages in:

9 (1) sexual contact, sexual intercourse, or deviate  
10 sexual intercourse with a person who is enrolled in a public or  
11 private primary or secondary school at which the employee works and  
12 who is not the employee's spouse; or

13 (2) conduct described by Section 33.021, with a person  
14 described by Subdivision (1), regardless of the age of that person.

15 SECTION 2. Sections 33.021(b) and (c), Penal Code, are  
16 amended to read as follows:

17 (b) A person who is 17 years of age or older commits an  
18 offense if, with the intent to arouse or gratify the sexual desire  
19 of any person, the person, over the Internet, ~~or~~ by electronic  
20 mail or text message or other electronic message service or system,  
21 or through a commercial online service, intentionally:

22 (1) communicates in a sexually explicit manner with a  
23 minor; or

24 (2) distributes sexually explicit material to a minor.

1           (c) A person commits an offense if the person, over the  
2 Internet, ~~or~~ by electronic mail or text message or other  
3 electronic message service or system, or through a commercial  
4 online service, knowingly solicits a minor to meet another person,  
5 including the actor, with the intent that the minor will engage in  
6 sexual contact, sexual intercourse, or deviate sexual intercourse  
7 with the actor or another person.

8           SECTION 3. The change in law made by this Act applies only  
9 to an offense committed on or after the effective date of this Act.  
10 An offense committed before the effective date of this Act is  
11 covered by the law in effect when the offense was committed, and the  
12 former law is continued in effect for that purpose. For the  
13 purposes of this section, an offense was committed before the  
14 effective date of this Act if any element of the offense was  
15 committed before that date.

16           SECTION 4. This Act takes effect September 1, 2007.

David Newkirk

President of the Senate

Jim Caddick

Speaker of the House

I certify that H.B. No. 401 was passed by the House on April 25, 2007, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

Robert Haney  
Chief Clerk of the House

I certify that H.B. No. 401 was passed by the Senate on May 21, 2007, by the following vote: Yeas 31, Nays 0.

Datsy Jew  
Secretary of the Senate

APPROVED: 15 JUN 07

Date

RICK PERRY  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
5 PM O'CLOCK

JUN 15 2007  
Roger Hummel  
Secretary of State