

1 AN ACT

2 relating to the payment of restitution to certain individuals
3 depicted in child pornography and to increasing the punishment for
4 certain individuals convicted of the offense of possession or
5 promotion of child pornography.

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

7 SECTION 1. Article 42.037, Code of Criminal Procedure, is
8 amended by adding Subsection (r) to read as follows:

9 (r) The court may order a defendant convicted of an offense
10 under Section 43.26, Penal Code, to make restitution to an
11 individual who as a child younger than 18 years of age was depicted
12 in the visual material, in an amount equal to the expenses incurred
13 by the individual as a result of the offense, including:

14 (1) medical services relating to physical,
15 psychiatric, or psychological care;

16 (2) physical and occupational therapy or
17 rehabilitation;

18 (3) necessary transportation, temporary housing, and
19 child care expenses;

20 (4) lost income; and

21 (5) attorney's fees.

22 SECTION 2. Sections 43.26(d) and (g), Penal Code, are
23 amended to read as follows:

24 (d) An offense under Subsection (a) is a felony of the third

1 degree, except that the offense is:

2 (1) a felony of the second degree if it is shown on the
3 trial of the offense that the person has been previously convicted
4 one time of an offense under that subsection; and

5 (2) a felony of the first degree if it is shown on the
6 trial of the offense that the person has been previously convicted
7 two or more times of an offense under that subsection.

8 (g) An offense under Subsection (e) is a felony of the
9 second degree, except that the offense is a felony of the first
10 degree if it is shown on the trial of the offense that the person has
11 been previously convicted of an offense under that subsection.

12 SECTION 3. The change in law made by this Act applies only
13 to an offense committed on or after the effective date of this Act.
14 An offense committed before the effective date of this Act is
15 governed by the law in effect on the date the offense was committed,
16 and the former law is continued in effect for that purpose. For
17 purposes of this section, an offense was committed before the
18 effective date of this Act if any element of the offense occurred
19 before that date.

20 SECTION 4. This Act takes effect September 1, 2015.

President of the Senate

Speaker of the House

I certify that H.B. No. 2291 was passed by the House on May 6, 2015, by the following vote: Yeas 144, Nays 0, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 2291 on May 29, 2015, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 2291 on May 31, 2015, by the following vote: Yeas 143, Nays 0, 2 present, not voting.

Chief Clerk of the House

H.B. No. 2291

I certify that H.B. No. 2291 was passed by the Senate, with amendments, on May 26, 2015, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 2291 on May 31, 2015, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor