

By: Garcia

S.B. No. 2238

A BILL TO BE ENTITLED

AN ACT

relating to certain sexual offenses; creating a criminal offense;  
increasing a criminal penalty.

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

SECTION 1. Section 21.16(g), Penal Code, as added by  
Chapter 852 (S.B. 1135), Acts of the 84th Legislature, Regular  
Session, 2015, is amended to read as follows:

(g) An offense under this section is a state jail felony  
~~[Class A misdemeanor]~~.

SECTION 2. Chapter 21, Penal Code, is amended by adding  
Section 21.18 to read as follows:

Sec. 21.18. SEXUAL COERCION. (a) In this section:

(1) "Intimate visual material" means the visual  
material described by Section 21.16(b)(1) or (c), as added by  
Chapter 852 (S.B. 1135), Acts of the 84th Legislature, Regular  
Session, 2015.

(2) "Sexual conduct" has the meaning assigned by  
Section 43.25.

(b) A person commits an offense if the person intentionally  
threatens, including by coercion or extortion, to commit an offense  
under Chapter 43 or Section 20A.02(a)(3), (4), (7), or (8), 21.02,  
21.08, 21.11, 21.12, 21.15, 21.16, as added by Chapter 852 (S.B.  
1135), Acts of the 84th Legislature, Regular Session, 2015, 21.16,  
as added by Chapter 676 (H.B. 207), Acts of the 84th Legislature,

1 Regular Session, 2015, 22.011, or 22.021 to obtain, in return for  
2 not committing the threatened offense or in connection with the  
3 threatened offense, any of the following benefits:

4 (1) intimate visual material;

5 (2) an act involving sexual conduct causing arousal or  
6 gratification; or

7 (3) a monetary benefit or other benefit of value.

8 (c) A person commits an offense if the person intentionally  
9 threatens, including by coercion or extortion, to commit an offense  
10 under Chapter 19 or 20 or Section 20A.02(a)(1), (2), (5), or (6) to  
11 obtain, in return for not committing the threatened offense or in  
12 connection with the threatened offense, either of the following  
13 benefits:

14 (1) intimate visual material; or

15 (2) an act involving sexual conduct causing arousal or  
16 gratification.

17 (d) This section applies to a threat regardless of how that  
18 threat is communicated, including a threat transmitted through  
19 e-mail or an Internet website, social media account, or chat room  
20 and a threat made by other electronic or technological means.

21 (e) An offense under this section is a state jail felony,  
22 except that the offense is a felony of the third degree if it is  
23 shown on the trial of the offense that the defendant has previously  
24 been convicted of an offense under this section.

25 SECTION 3. The change in law made by this Act applies only  
26 to an offense committed on or after the effective date of this Act.  
27 An offense committed before the effective date of this Act is

1 governed by the law in effect on the date the offense was committed,  
2 and the former law is continued in effect for that purpose. For  
3 purposes of this section, an offense was committed before the  
4 effective date of this Act if any element of the offense was  
5 committed before that date.

6 SECTION 4. This Act takes effect September 1, 2017.