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Texas Pornography Laws

TEXAS:

Texas recodified its criminal law based in part on the ALI-MPC in 1974.

Tex. Penal Code Ann. § 43.24:

§ 43.24. Sale, Distribution, or Display of Harmful Material to Minor

(a) For purposes of this section:

- (1) “Minor” means an individual younger than 18 years.
- (2) “Harmful material” means material whose dominant theme taken as a whole:
 - (A) appeals to the prurient interest of a minor, in sex, nudity, or excretion;
 - (B) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for minors; and
 - (C) is utterly without redeeming social value for minors.

(b) A person commits an offense if, knowing that the material is harmful:

- (1) and knowing the person is a minor, he sells, distributes, exhibits, or possesses for sale, distribution, or exhibition to a minor harmful material;
- (2) he displays harmful material and is reckless about whether a minor is present who will be offended or alarmed by the display; or
- (3) he hires, employs, or uses a minor to do or accomplish or assist in doing or accomplishing any of the acts prohibited in Subsection (b)(1) or (b)(2).

(c) It is an affirmative defense to prosecution under this section that the sale, distribution, or exhibition was by a person having scientific, educational, governmental, or other similar justification.

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

(d) An offense under this section is a Class A misdemeanor unless it is committed under Subsection (b)(3) in which event it is a felony of the third degree.

Credits

Acts 1973, 63rd Leg., p. 883, ch. 399, § 1, **eff. Jan. 1, 1974**. Amended by Acts 1993, 73rd Leg., ch. 900, § 1.01, eff. Sept. 1, 1994; Acts 2011, 82nd Leg., ch. 497 (H.B. 1344), § 1, eff. Sept. 1, 2011.