

A BILL TO BE ENTITLED

AN ACT

relating to the publication of certain photographs of human remains by certain individuals for a purpose other than an authorized purpose; providing a civil penalty.

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

SECTION 1. This Act shall be known as the Kobe and Gianna Bryant Act.

SECTION 2. Subtitle A, Title 8, Health and Safety Code, is amended by adding Chapter 672A to read as follows:

CHAPTER 672A. PROHIBITED PUBLICATION OF CERTAIN PHOTOGRAPHS OF HUMAN REMAINS

Sec. 672A.001. DEFINITIONS. In this chapter:

(1) "Human remains" has the meaning assigned by Section 711.001.

(2) "Publish" means to display, present, or release a photograph to an unauthorized person, or to cause a photograph to be displayed, presented, or released to an unauthorized person.

Sec. 672A.002. PROHIBITED PUBLICATION OF CERTAIN PHOTOGRAPHS DEPICTING HUMAN REMAINS. (a) An individual may not publish a photograph of human remains that the individual obtained while acting within the course and scope of the individual's duties as an officer or employee of this state or a political subdivision of this state.

1 (b) For purposes of Subsection (a), a photograph is
2 considered to have been published if the photograph is:

- 3 (1) displayed to an unauthorized person;
4 (2) released to an unauthorized person by any delivery
5 method, including text message, e-mail, or facsimile;
6 (3) posted on a social media platform; or
7 (4) sold to a news publication.

8 Sec. 672A.003. CIVIL PENALTY. (a) An individual who
9 violates Section 672A.002 is liable for a civil penalty in an amount
10 not to exceed \$10,000 for each violation.

11 (b) The attorney general or the appropriate county or
12 district attorney may sue to collect the civil penalty provided by
13 Subsection (a) and may recover attorney's fees and costs incurred
14 in obtaining relief under this section.

15 (c) It is a defense to liability for a civil penalty under
16 this section that:

- 17 (1) the individual published the photograph of human
18 remains for an official law enforcement, scientific, educational,
19 research, or medical purpose, or as part of a civil proceeding; or
20 (2) the photograph was published in a documentary film
21 or television show with the approval of the chief medical examiner,
22 coroner, or commissioners court, as applicable, and the remains are
23 unidentifiable.

24 (d) A defendant may not assert official immunity as a
25 defense in an action brought under this section.

26 SECTION 3. This Act takes effect September 1, 2023.