

By: Gámez

H.B. No. 1121

A BILL TO BE ENTITLED

AN ACT

relating to civil and criminal liability for the unlawful disclosure or promotion of intimate visual material.

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

SECTION 1. Section 98B.002, Civil Practice and Remedies Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) A defendant is liable, as provided by this chapter, to a person depicted in intimate visual material for damages arising from the disclosure of the material if:

(1) the defendant discloses the intimate visual material without the effective consent of the depicted person and with the intent to harm that person;

(2) either:

(A) at the time of the disclosure, the defendant knows or has reason to believe that the intimate visual material was obtained by the defendant or created under circumstances in which the depicted person had a reasonable expectation that the material would remain private; or

(B) the intimate visual material was created, adapted, or modified as described by Subsection (c);

(3) the disclosure of the intimate visual material causes harm to the depicted person; and

(4) the disclosure of the intimate visual material

1 reveals the identity of the depicted person in any manner,
2 including through:

3 (A) any accompanying or subsequent information
4 or material related to the intimate visual material; or

5 (B) information or material provided by a third
6 party in response to the disclosure of the intimate visual
7 material.

8 (c) For purposes of conduct for which a defendant is liable
9 under Subsection (a) or (b), intimate visual material to which that
10 conduct applies includes a depiction of a person:

11 (1) who is recognizable as an actual person by the
12 person's face, likeness, or other distinguishing characteristic,
13 such as a unique birthmark or other recognizable feature; and

14 (2) whose image was used in creating, adapting, or
15 modifying the intimate visual material, including
16 computer-generated intimate visual material that was created,
17 adapted, or modified using an artificial intelligence application
18 or other computer software.

19 SECTION 2. Chapter 98B, Civil Practice and Remedies Code,
20 is amended by adding Section 98B.0021 to read as follows:

21 Sec. 98B.0021. LIABILITY FOR ASSISTANCE IN UNLAWFUL
22 DISCLOSURE OR PROMOTION OF CERTAIN INTIMATE VISUAL MATERIAL. A
23 defendant is jointly and severally liable with any other defendant
24 to a person depicted in intimate visual material for damages
25 arising from the disclosure of the material if the material was
26 created, adapted, or modified as described by Section 98B.002(c)
27 using the defendant's artificial intelligence application or other

1 computer software if:

2 (1) the defendant failed to take reasonable
3 precautions against the creation, adaptation, or modification of
4 the material; and

5 (2) the material was created, adapted, or modified
6 without the consent of the person depicted.

7 SECTION 3. Section 21.16, Penal Code, is amended by
8 amending Subsection (b) and adding Subsection (d-1) to read as
9 follows:

10 (b) A person commits an offense if:

11 (1) without the effective consent of the depicted
12 person and with the intent to harm that person, the person discloses
13 visual material depicting another person with the person's intimate
14 parts exposed or engaged in sexual conduct;

15 (2) either:

16 (A) at the time of the disclosure, the person
17 knows or has reason to believe that the visual material was obtained
18 by the person or created under circumstances in which the depicted
19 person had a reasonable expectation that the visual material would
20 remain private; or

21 (B) the visual material was created, adapted, or
22 modified as described by Subsection (d-1);

23 (3) the disclosure of the visual material causes harm
24 to the depicted person; and

25 (4) the disclosure of the visual material reveals the
26 identity of the depicted person in any manner, including through:

27 (A) any accompanying or subsequent information

1 or material related to the visual material; or

2 (B) information or material provided by a third
3 party in response to the disclosure of the visual material.

4 (d-1) For purposes of conduct prohibited under Subsection
5 (b), (c), or (d), visual material to which that conduct applies
6 includes a depiction of a person:

7 (1) who is recognizable as an actual person by the
8 person's face, likeness, or other distinguishing characteristic,
9 such as a unique birthmark or other recognizable feature; and

10 (2) whose image was used in creating, adapting, or
11 modifying the visual material, including computer-generated visual
12 material that was created, adapted, or modified using an artificial
13 intelligence application or other computer software.

14 SECTION 4. (a) Chapter 98B, Civil Practice and Remedies
15 Code, as amended by this Act, applies only to a cause of action that
16 accrues on or after the effective date of this Act. A cause of
17 action that accrues before the effective date of this Act is
18 governed by the law applicable to the cause of action immediately
19 before the effective date of this Act, and that law is continued in
20 effect for that purpose.

21 (b) Section 21.16, Penal Code, as amended by this Act,
22 applies only to an offense committed on or after the effective date
23 of this Act. An offense committed before the effective date of this
24 Act is governed by the law in effect on the date the offense was
25 committed, and the former law is continued in effect for that
26 purpose. For purposes of this subsection, an offense was committed
27 before the effective date of this Act if any element of the offense

1 was committed before that date.

2 SECTION 5. This Act takes effect September 1, 2025.