

AN ACT

relating to the prosecution of the offense of disorderly conduct.

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

SECTION 1. Sections 42.01(a), (d), and (e), Penal Code, are amended to read as follows:

(a) A person commits an offense if he intentionally or knowingly:

(1) uses abusive, indecent, profane, or vulgar language in a public place, and the language by its very utterance tends to incite an immediate breach of the peace;

(2) makes an offensive gesture or display in a public place, and the gesture or display tends to incite an immediate breach of the peace;

(3) creates, by chemical means, a noxious and unreasonable odor in a public place;

(4) abuses or threatens a person in a public place in an obviously offensive manner;

(5) makes unreasonable noise in a public place other than a sport shooting range, as defined by Section 250.001, Local Government Code, or in or near a private residence that he has no right to occupy;

(6) fights with another in a public place;

~~(7) [enters on the property of another and for a lewd or unlawful purpose looks into a dwelling on the property through~~

1 ~~any window or other opening in the dwelling;~~

2 ~~[(8) while on the premises of a hotel or comparable~~
3 ~~establishment, for a lewd or unlawful purpose looks into a guest~~
4 ~~room not his own through a window or other opening in the room;~~

5 ~~[(9)]~~ discharges a firearm in a public place other
6 than a public road or a sport shooting range, as defined by Section
7 250.001, Local Government Code;

8 (8) ~~[(10)]~~ displays a firearm or other deadly weapon
9 in a public place in a manner calculated to alarm;

10 (9) ~~[(11)]~~ discharges a firearm on or across a public
11 road; ~~[or]~~

12 (10) ~~[(12)]~~ exposes his anus or genitals in a public
13 place and is reckless about whether another may be present who will
14 be offended or alarmed by his act; or

15 (11) for a lewd or unlawful purpose:

16 (A) enters on the property of another and looks
17 into a dwelling on the property through any window or other opening
18 in the dwelling;

19 (B) while on the premises of a hotel or
20 comparable establishment, looks into a guest room not the person's
21 own through a window or other opening in the room; or

22 (C) while on the premises of a public place,
23 looks into an area such as a restroom or shower stall or changing or
24 dressing room that is designed to provide privacy to a person using
25 the area.

26 (d) An offense under this section is a Class C misdemeanor
27 unless committed under Subsection (a)(7) ~~[(a)(9)]~~ or (a)(8)

1 [~~(a)(10)~~], in which event it is a Class B misdemeanor.

2 (e) It is a defense to prosecution for an offense under
3 Subsection (a)(7) [~~(a)(9)~~] or (9) [~~(11)~~] that the person who
4 discharged the firearm had a reasonable fear of bodily injury to the
5 person or to another by a dangerous wild animal as defined by
6 Section 822.101, Health and Safety Code.

7 SECTION 2. (a) The change in law made by this Act applies
8 only to an offense committed on or after the effective date of this
9 Act. For purposes of this section, an offense is committed before
10 the effective date of this Act if any element of the offense occurs
11 before that date.

12 (b) An offense committed before the effective date of this
13 Act is covered by the law in effect when the offense was committed,
14 and the former law is continued in effect for that purpose.

15 SECTION 3. This Act takes effect September 1, 2003.

President of the Senate

Speaker of the House

I certify that H.B. No. 12 was passed by the House on March 18, 2003, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 12 was passed by the Senate on May 28, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor