

1-1 By: Keel, Phillips (Senate Sponsor - Armbrister) H.B. No. 12
1-2 (In the Senate - Received from the House March 19, 2003;
1-3 March 26, 2003, read first time and referred to Committee on
1-4 Criminal Justice; May 23, 2003, reported favorably by the
1-5 following vote: Yeas 4, Nays 0; May 23, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the prosecution of the offense of disorderly conduct.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Sections 42.01(a), (d), and (e), Penal Code, are
1-11 amended to read as follows:

1-12 (a) A person commits an offense if he intentionally or
1-13 knowingly:

1-14 (1) uses abusive, indecent, profane, or vulgar
1-15 language in a public place, and the language by its very utterance
1-16 tends to incite an immediate breach of the peace;

1-17 (2) makes an offensive gesture or display in a public
1-18 place, and the gesture or display tends to incite an immediate
1-19 breach of the peace;

1-20 (3) creates, by chemical means, a noxious and
1-21 unreasonable odor in a public place;

1-22 (4) abuses or threatens a person in a public place in
1-23 an obviously offensive manner;

1-24 (5) makes unreasonable noise in a public place other
1-25 than a sport shooting range, as defined by Section 250.001, Local
1-26 Government Code, or in or near a private residence that he has no
1-27 right to occupy;

1-28 (6) fights with another in a public place;

1-29 (7) ~~enters on the property of another and for a lewd~~
1-30 ~~or unlawful purpose looks into a dwelling on the property through~~
1-31 ~~any window or other opening in the dwelling;~~

1-32 ~~[(8) while on the premises of a hotel or comparable~~
1-33 ~~establishment, for a lewd or unlawful purpose looks into a guest~~
1-34 ~~room not his own through a window or other opening in the room;~~

1-35 ~~[(9)]~~ discharges a firearm in a public place other
1-36 than a public road or a sport shooting range, as defined by Section
1-37 250.001, Local Government Code;

1-38 (8) ~~[(10)]~~ displays a firearm or other deadly weapon
1-39 in a public place in a manner calculated to alarm;

1-40 (9) ~~[(11)]~~ discharges a firearm on or across a public
1-41 road; ~~[or]~~

1-42 (10) ~~[(12)]~~ exposes his anus or genitals in a public
1-43 place and is reckless about whether another may be present who will
1-44 be offended or alarmed by his act; or

1-45 (11) for a lewd or unlawful purpose:

1-46 (A) enters on the property of another and looks
1-47 into a dwelling on the property through any window or other opening
1-48 in the dwelling;

1-49 (B) while on the premises of a hotel or
1-50 comparable establishment, looks into a guest room not the person's
1-51 own through a window or other opening in the room; or

1-52 (C) while on the premises of a public place,
1-53 looks into an area such as a restroom or shower stall or changing or
1-54 dressing room that is designed to provide privacy to a person using
1-55 the area.

1-56 (d) An offense under this section is a Class C misdemeanor
1-57 unless committed under Subsection (a)(7) ~~[(a)(9)]~~ or (a)(8)
1-58 ~~[(a)(10)]~~, in which event it is a Class B misdemeanor.

1-59 (e) It is a defense to prosecution for an offense under
1-60 Subsection (a)(7) ~~[(a)(9)]~~ or (9) ~~[(11)]~~ that the person who
1-61 discharged the firearm had a reasonable fear of bodily injury to the
1-62 person or to another by a dangerous wild animal as defined by
1-63 Section 822.101, Health and Safety Code.

1-64 SECTION 2. (a) The change in law made by this Act applies

2-1 only to an offense committed on or after the effective date of this
2-2 Act. For purposes of this section, an offense is committed before
2-3 the effective date of this Act if any element of the offense occurs
2-4 before that date.

2-5 (b) An offense committed before the effective date of this
2-6 Act is covered by the law in effect when the offense was committed,
2-7 and the former law is continued in effect for that purpose.

2-8 SECTION 3. This Act takes effect September 1, 2003.

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