

By: Goolsby

H.B. No. 1334

A BILL TO BE ENTITLED

1 AN ACT

2 relating to certain sexual offenses requiring sex offender
3 registration.

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

5 SECTION 1. Chapter 21, Penal Code, is amended by adding
6 Section 21.09 to read as follows:

7 Sec. 21.09. VOYEURISM. (a) A person commits an offense if
8 the person, with intent to arouse or gratify the sexual desire of
9 any person:

10 (1) enters on the property of another and looks into a
11 dwelling on the property through any window or other opening in the
12 dwelling; or

13 (2) while on the premises of a hotel or comparable
14 establishment, looks into a guest room not the person's own through
15 a window or other opening in the room.

16 (b) An offense under this section is a Class B misdemeanor.

17 SECTION 2. Section 42.01(a), Penal Code, is amended to read
18 as follows:

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

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

24 (2) makes an offensive gesture or display in a public

1 place, and the gesture or display tends to incite an immediate
2 breach of the peace;

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

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

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

11 (6) fights with another in a public place;

12 (7) enters on the property of another and for an [~~a~~
13 ~~lewd or~~] unlawful purpose looks into a dwelling on the property
14 through any window or other opening in the dwelling;

15 (8) while on the premises of a hotel or comparable
16 establishment, for an [~~a lewd or~~] unlawful purpose looks into a
17 guest room not his own through a window or other opening in the
18 room;

19 (9) discharges a firearm in a public place other than a
20 public road or a sport shooting range, as defined by Section
21 250.001, Local Government Code;

22 (10) displays a firearm or other deadly weapon in a
23 public place in a manner calculated to alarm;

24 (11) discharges a firearm on or across a public road;
25 or

26 (12) exposes his anus or genitals in a public place and
27 is reckless about whether another may be present who will be

1 offended or alarmed by his act.

2 SECTION 3. Article 62.01(5), Code of Criminal Procedure, is
3 amended to read as follows:

4 (5) "Reportable conviction or adjudication" means a
5 conviction or adjudication, regardless of the pendency of an
6 appeal, that is:

7 (A) a conviction for a violation of Section 21.08
8 (Indecent exposure), 21.11 (Indecency with a child), 22.011 (Sexual
9 assault), 22.021 (Aggravated sexual assault), or 25.02 (Prohibited
10 sexual conduct), Penal Code;

11 (B) a conviction for a violation of Section 43.05
12 (Compelling prostitution), 43.25 (Sexual performance by a child),
13 or 43.26 (Possession or promotion of child pornography), Penal
14 Code;

15 (C) a conviction for a violation of Section
16 20.04(a)(4) (Aggravated kidnapping), Penal Code, if the defendant
17 committed the offense with intent to violate or abuse the victim
18 sexually;

19 (D) a conviction for a violation of Section 30.02
20 (Burglary), Penal Code, if the offense is punishable under
21 Subsection (d) of that section and the defendant committed the
22 offense with intent to commit a felony listed in Paragraph (A) or
23 (C);

24 (E) a conviction for a violation of Section 20.02
25 (Unlawful restraint), 20.03 (Kidnapping), or 20.04 (Aggravated
26 kidnapping), Penal Code, if the judgment in the case contains an
27 affirmative finding under Article 42.015;

1 (F) the second conviction for a violation of
2 Section 21.09 (Voyeurism) [~~21.08 (Indecent exposure)~~], Penal Code;

3 (G) a conviction for an attempt, conspiracy, or
4 solicitation, as defined by Chapter 15, Penal Code, to commit an
5 offense listed in Paragraph (A), (B), (C), (D), or (E);

6 (H) an adjudication of delinquent conduct:

7 (i) based on a violation of one of the
8 offenses listed in Paragraph (A), (B), (C), (D), or (G) or, if the
9 order in the hearing contains an affirmative finding that the
10 victim or intended victim was younger than 17 years of age, one of
11 the offenses listed in Paragraph (E); or

12 (ii) for which two violations of the
13 offense listed in Paragraph (F) are shown;

14 (I) a deferred adjudication for an offense listed
15 in:

16 (i) Paragraph (A), (B), (C), (D), or (G); or

17 (ii) Paragraph (E) if the papers in the case
18 contain an affirmative finding that the victim or intended victim
19 was younger than 17 years of age;

20 (J) a conviction under the laws of another state,
21 federal law, or the Uniform Code of Military Justice for an offense
22 containing elements that are substantially similar to the elements
23 of an offense listed under Paragraph (A), (B), (C), (D), (E), or
24 (G);

25 (K) an adjudication of delinquent conduct under
26 the laws of another state or federal law based on a violation of an
27 offense containing elements that are substantially similar to the

1 elements of an offense listed under Paragraph (A), (B), (C), (D),
2 (E), or (G);

3 (L) the second conviction under the laws of
4 another state, federal law, or the Uniform Code of Military Justice
5 for an offense containing elements that are substantially similar
6 to the elements of the offense listed under Paragraph (F) [~~of~~
7 ~~indecent exposure~~]; or

8 (M) the second adjudication of delinquent
9 conduct under the laws of another state or federal law based on a
10 violation of an offense containing elements that are substantially
11 similar to the elements of the offense listed under Paragraph (F)
12 [~~of indecent exposure~~].

13 SECTION 4. (a) The change in law made by this Act in
14 amending Section 42.01(a), Penal Code, and Article 62.01(5), Code
15 of Criminal Procedure, applies only to an offense committed on or
16 after the effective date of this Act. For purposes of this section,
17 an offense is committed before the effective date of this Act if any
18 element of the offense occurs before that date.

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

22 SECTION 5. This Act takes effect September 1, 2003.