

By: Ellis

S.B. No. 140

A BILL TO BE ENTITLED

1 AN ACT

2 relating to prohibiting the promotion of certain improper
3 photographs or visual recordings; providing a penalty.

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

5 SECTION 1. Section 21.15, Penal Code, is amended to read as
6 follows:

7 Sec. 21.15. IMPROPER PHOTOGRAPHY OR VISUAL RECORDING. (a)
8 In this section, "promote" has the meaning assigned by Section
9 43.21.

10 (b) A person commits an offense if the person:

11 (1) photographs or by videotape or other electronic
12 means visually records another:

13 (A) ~~[(1)]~~ without the other person's consent;

14 and

15 (B) ~~[(2)]~~ with intent to arouse or gratify the
16 sexual desire of any person; or

17 (2) knowing the character and content of the
18 photograph or recording, promotes a photograph or visual recording
19 described by Subdivision (1).

20 (c) ~~[(b)]~~ An offense under this section is a state jail
21 felony.

22 (d) If conduct that constitutes an offense under this
23 section also constitutes an offense under any other law, the actor
24 may be prosecuted under this section or the other law.

1 SECTION 2. This Act takes effect September 1, 2003.