

By: Coleman

H.B. No. 59

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the offense of improper photography or visual recording.

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

SECTION 1. Section 21.15, Penal Code, is amended by amending Subsection (b) and adding Subsection (e) to read as follows:

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

(1) photographs or by videotape or other electronic means visually records another identifiable person at a location, including a bathroom and dressing room, where the other person has a reasonable expectation of privacy and the photograph is taken or the recording is made:

(A) without the other person's consent; and

(B) with intent to:

(i) invade the privacy of the other person;

or

(ii) arouse or gratify the sexual desire of any person; or

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

(e) For purposes of this section, a sign or signs posted at a location where a person has a reasonable expectation of privacy

1 indicating that the person is being photographed or recorded is not  
2 sufficient to establish the person's consent under this section.

3 SECTION 2. The change in law made by this Act applies only  
4 to an offense committed on or after the effective date of this Act.  
5 An offense committed before the effective date of this Act is  
6 covered by the law in effect when the offense was committed, and the  
7 former law is continued in effect for that purpose. For purposes of  
8 this section, an offense is committed before the effective date of  
9 this Act if any element of the offense occurs before the effective  
10 date.

11 SECTION 3. This Act takes effect on the 91st day after the  
12 last day of the legislative session.