

BILL ANALYSIS

C.S.H.B. 655
By: Coleman
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently under the Texas Penal Code, photography, videotaping and visual recording of an individual in a bathroom or dressing room is not prohibited. Recently patrons in a Houston nightclub were horrified to learn that they were being videotaped and recorded while in the restroom. Individuals in a bathroom or dressing room should not have their privacy violated. The presence of a sign should not serve as adequate consent for individuals to be videotaped in bathrooms and dressing rooms.

C.S.H.B. 655 makes it an offense to photograph or visually record individuals in bathrooms or dressing rooms without their consent and with the intent to invade their privacy or arouse or gratify the sexual desire of any person or promote such a photograph or visual recording. The bill will also close the loophole in the current law which allows individuals to claim they have consent to record individuals in restrooms and dressing rooms by posting a sign stating that there are cameras located in a certain area.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Committee Substitute to House Bill 655 amends Section 21.15(b)(1) of the Penal Code to make it an offense to photograph or visually record another person at a location that is not a bathroom or dressing room without the other person's consent and with intent to arouse or gratify sexual desire of any person.

The bill amends Section 21.15(b), Penal Code, by adding Subdivision (2) which makes it an offense to photograph or visually record another at a location that is a bathroom or private dressing room without the other person's consent and with the intent to invade the privacy of that person or to arouse or gratify the sexual desire of any person or knowing the character and content of the photograph or recording, promotes a photograph or visual recording described by Subdivision (1) or (2) of this section.

This bill adds Section 21.15(e), Penal Code, to provide that, for purposes of Section 21.15(b)(2), Penal Code, a sign or signs posted indicating that the person is being photographed or recorded is not sufficient to establish the person's consent under that subdivision.

Makes application of this Act prospective.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The Committee Substitute to House Bill 655 differs from the original in that it removes language relating to a reasonable expectation of privacy the language and the intent to invade the privacy of another person in Section 21.15(b)(1), Penal Code, and clarifies that this section applies to an offense committed in a location that is not a bathroom or private dressing room. The substitute

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adds Section 21.15(b)(2), Penal Code, which prohibits photography and visual recording specifically in bathrooms and dressing rooms if they are made without the other persons consent and with the intent to invade the privacy of that person or to arouse or gratify the sexual desire of any person or knowing the character and content of the photograph or recording, promotes a photograph or visual recording described in Subdivision (1) or (2) of this section.