

## **BILL ANALYSIS**

H.B. 1804  
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Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Technology has become quite advanced in recent years, including consumer hand held devices that are able to broadcast or transmit "live feeds" of an image without actually recording the image. For example, cameras on mobile phones can be used to "see" an event as it is happening (like peering through a set of binoculars) without actually capturing the image as a photograph. Likewise other electronic devices allow for "live feeds" of images to be broadcast and transmitted.

Current Texas law provides that it is a criminal offense to photograph, videotape, or by electronic means visually record another person without their consent for the purpose of sexual arousal or gratification of any person. It is also a criminal offense to promote the character and content of such a photograph or visual recording. While Texas law provides for such an offense, it is not an offense to broadcast or transmit such an image via only a "live feed."

House Bill 1804 corrects this loophole by also making it an offense to broadcast or transmit the visual image of another person without their consent for the purpose of sexual arousal or gratification of any person. The bill also makes it a criminal offense to promote the character and content of such a broadcast or transmission.

### **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**

House Bill 1804 amends Section 21.15(b), Penal Code, by adding that it is also an offense to broadcast or transmit the visual image of another person without their consent for the purpose of sexual arousal or gratification of any person. The bill also makes it a criminal offense if the person knowing the character and content of such a broadcast or transmission, promotes it.

Makes application of this Act prospective.

### **EFFECTIVE DATE**

September 1, 2007.