

By: Coleman

H.B. No. 655

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

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

15 (B) with intent to:

16 (i) invade the privacy of the other person;

17 or

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

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

23 (e) For purposes of this section, a sign or signs posted at a
24 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 September 1, 2007.