

By: Naishtat

H.B. No. 853

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the offense of voyeurism.

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

SECTION 1. Chapter 21, Penal Code, is amended by adding Section 21.13 to read as follows:

Sec. 21.13. VOYEURISM. (a) A person commits an offense if the person, with the intent to arouse or gratify the sexual desire of any person:

(1) enters on the property of another and looks into a dwelling on the property through any window or other opening in the dwelling;

(2) while on the premises of a hotel or comparable establishment, looks into a guest room not the person's own through a window or other opening in the room; or

(3) while on the premises of a public place, looks into an area such as a restroom or shower stall or changing or dressing room that is designed to provide privacy to a person using the area.

(b) For purposes of this section, an act is considered to occur in a public place if it produces its offensive or proscribed consequences in the public place.

(c) An offense under this section is a Class C misdemeanor.

SECTION 2. Section 42.01(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if he intentionally or

1 knowingly:

2 (1) uses abusive, indecent, profane, or vulgar  
3 language in a public place, and the language by its very utterance  
4 tends to incite an immediate breach of the peace;

5 (2) makes an offensive gesture or display in a public  
6 place, and the gesture or display tends to incite an immediate  
7 breach of the peace;

8 (3) creates, by chemical means, a noxious and  
9 unreasonable odor in a public place;

10 (4) abuses or threatens a person in a public place in  
11 an obviously offensive manner;

12 (5) makes unreasonable noise in a public place other  
13 than a sport shooting range, as defined by Section 250.001, Local  
14 Government Code, or in or near a private residence that he has no  
15 right to occupy;

16 (6) fights with another in a public place;

17 (7) discharges a firearm in a public place other than a  
18 public road or a sport shooting range, as defined by Section  
19 250.001, Local Government Code;

20 (8) displays a firearm or other deadly weapon in a  
21 public place in a manner calculated to alarm;

22 (9) discharges a firearm on or across a public road;

23 (10) exposes his anus or genitals in a public place and  
24 is reckless about whether another may be present who will be  
25 offended or alarmed by his act; or

26 (11) for an [~~a lewd or~~] unlawful purpose:

27 (A) enters on the property of another and looks

1 into a dwelling on the property through any window or other opening  
2 in the dwelling;

3 (B) while on the premises of a hotel or  
4 comparable establishment, looks into a guest room not the person's  
5 own through a window or other opening in the room; or

6 (C) while on the premises of a public place,  
7 looks into an area such as a restroom or shower stall or changing or  
8 dressing room that is designed to provide privacy to a person using  
9 the area.

10 SECTION 3. The change in law made by this Act applies only  
11 to an offense committed on or after the effective date of this Act.  
12 An offense committed before the effective date of this Act is  
13 governed by the law in effect when the offense was committed, and  
14 the former law is continued in effect for that purpose. For  
15 purposes of this section, an offense was committed before the  
16 effective date of this Act if any element of the offense was  
17 committed before that date.

18 SECTION 4. This Act takes effect September 1, 2007.