

1-1 By: Gattis, et al. (Senate Sponsor - Ogden) H.B. No. 1804
1-2 (In the Senate - Received from the House April 26, 2007;
1-3 May 1, 2007, read first time and referred to Committee on Criminal
1-4 Justice; May 16, 2007, reported favorably by the following vote:
1-5 Yeas 7, Nays 0; May 16, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the prosecution of the offense of improper photography
1-9 or visual recording.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 21.15, Penal Code, is amended by
1-12 amending Subsection (b) and adding Subsection (e) to read as
1-13 follows:

1-14 (b) A person commits an offense if the person:

1-15 (1) photographs or by videotape or other electronic
1-16 means ~~[visually]~~ records, broadcasts, or transmits a visual image
1-17 of another at a location that is not a bathroom or private dressing
1-18 room:

1-19 (A) without the other person's consent; and

1-20 (B) with intent to arouse or gratify the sexual
1-21 desire of any person;

1-22 (2) photographs or by videotape or other electronic
1-23 means records, broadcasts, or transmits a visual image of another
1-24 at a location that is a bathroom or private dressing room:

1-25 (A) without the other person's consent; and

1-26 (B) with intent to:

1-27 (i) invade the privacy of the other person;

1-28 or

1-29 (ii) arouse or gratify the sexual desire of
1-30 any person; or

1-31 (3) ~~[(2)]~~ knowing the character and content of the
1-32 photograph, ~~[or]~~ recording, broadcast, or transmission, promotes a
1-33 photograph, ~~[or visual]~~ recording, broadcast, or transmission
1-34 described by Subdivision (1) or (2).

1-35 (e) For purposes of Subsection (b)(2), a sign or signs
1-36 posted indicating that the person is being photographed or that a
1-37 visual image of the person is being recorded, broadcast, or
1-38 transmitted is not sufficient to establish the person's consent
1-39 under that subdivision.

1-40 SECTION 2. The change in law made by this Act applies only
1-41 to an offense committed on or after the effective date of this Act.
1-42 An offense committed before the effective date of this Act is
1-43 governed by the law in effect when the offense was committed, and
1-44 the former law is continued in effect for that purpose. For the
1-45 purposes of this section, an offense is committed before the
1-46 effective date of this Act if any element of the offense was
1-47 committed before that date.

1-48 SECTION 3. This Act takes effect September 1, 2007.

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