

## **BILL ANALYSIS**

H.B. 2461  
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Business & Industry  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, there is no law that regulates publishing images of private property on the Internet.

H.B. 2461 prohibits a person from publishing through the Internet, or causing to publish through the Internet, an image capable of zooming into greater detail than that of an aerial photograph taken without a magnifying lens 300 feet or higher of private property not visible from the public right-of-way unless the person has the written consent of the property owner.

### **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**

H.B. 2461 amends the Business & Commerce Code to prohibit a person from publishing through the Internet, or causing to publish through the Internet, an image capable of zooming into greater detail than that of an aerial photograph taken without a magnifying lens 300 feet or higher of private property not visible from the public right-of-way, unless the person has the written consent of the property owner. The bill makes it a Class B misdemeanor to knowingly violate the bill's provisions and specifies that each day a person publishes an image constitutes a separate offense. The bill establishes that the change in law made by the bill's provisions applies only to an image capable, on or after the effective date of the bill, of depicting greater detail than described above, regardless of the date the image was published. The bill defines "public right-of-way" and "publish."

### **EFFECTIVE DATE**

September 1, 2009.