

By: Deshotel

H.B. No. 2461

A BILL TO BE ENTITLED

AN ACT

relating to publishing certain images of private property on the Internet; providing a criminal penalty.

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

SECTION 1. Title 99, Business & Commerce Code, is amended by adding Chapter 2003 to read as follows:

CHAPTER 2003. INTERNET PUBLICATION OF CERTAIN IMAGES OF PRIVATE PROPERTY

Sec. 2003.001. DEFINITIONS. In this chapter:

(1) "Public right-of-way" has the meaning assigned by Section 66.002, Utilities Code.

(2) "Publish" means to communicate information or make information available to the public.

Sec. 2003.002. INTERNET PUBLICATION OF CERTAIN IMAGES OF PRIVATE PROPERTY PROHIBITED. (a) Except as provided by Subsection (b), a person may not publish through the Internet, or cause 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.

(b) Subsection (a) does not apply if a person has the written consent of the property owner.

Sec. 2003.003. PENALTY. (a) A person commits an offense if the person knowingly violates this chapter.

1 (b) An offense under this section is a Class B misdemeanor.

2 (c) Each day a person publishes an image in violation of
3 this chapter constitutes a separate offense.

4 SECTION 2. The change in law made by this Act applies only
5 to an image capable, on or after the effective date of this Act, of
6 depicting greater detail than described by Section 2003.002(a),
7 Business & Commerce Code, as added by this Act, regardless of the
8 date the image was published.

9 SECTION 3. This Act takes effect September 1, 2009.