

BILL ANALYSIS

H.B. 75
By: Harper-Brown
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, the offense of indecent exposure is punishable as a Class B misdemeanor, regardless of the number of prior convictions for the offense. Interested parties note that the current potential punishment for indecent exposure may not be enough to dissuade a person from repeating the illegal behavior.

H.B. 75 seeks to target those worst offenders by enhancing the penalty for subsequent convictions of the offense of indecent exposure.

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. 75 amends the Penal Code to enhance the penalty for indecent exposure from a Class B misdemeanor to a Class A misdemeanor if it is shown on the trial of the offense that the defendant has been previously convicted one time of such an offense and to a state jail felony if it is shown on the trial of the offense that the defendant has been previously convicted two or more times of such an offense. The bill specifies that, for purposes of the enhancement, a defendant has been previously convicted if the defendant was adjudged guilty of the offense or entered a plea of guilty or nolo contendere in return for a grant of deferred adjudication, regardless of whether the sentence for the offense was ever imposed or whether the sentence was probated and the defendant was subsequently discharged from community supervision.

EFFECTIVE DATE

November 1, 2011.