By: McClendon H.B. No. 1200

A BILL TO BE ENTITLED

1	AN ACT
2	relating to the creation of the offense of improper photography or
3	visual recording of certain identifying information.
4	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
5	SECTION 1. Subchapter D, Chapter 32, Penal Code, is amended
6	by adding Section 32.515 to read as follows:
7	Sec. 32.515. IMPROPER PHOTOGRAPHY OR VISUAL RECORDING OF
8	CERTAIN IDENTIFYING INFORMATION. (a) In this section:
9	(1) "Identifying information" has the meaning
10	assigned by Section 32.51.
11	(2) "Payment card" has the meaning assigned by Section

- 11 (2) "Payment card" has the meaning assigned by Section
- 12 <u>522.001, Business & Commerce Code.</u>
- (b) A person commits an offense if the person, knowing that the person is not entitled to possess that information:
- 15 (1) photographs or by videotape or other electronic
- 16 means records or captures identifying information contained on the
- 17 face of a sight order or payment card; or
- 18 (2) transfers to a third party information
- 19 photographed, recorded, or captured as described by Subdivision
- 20 (1).
- 21 (c) An offense under Subsection (b)(1) is a Class B
- 22 <u>misdemeanor</u>. An offense under Subsection (b)(2) is a Class A
- 23 misdemeanor.
- 24 (d) If conduct that constitutes an offense under this

- 1 section also constitutes an offense under any other law, the actor
- 2 may be prosecuted under this section or the other law.
- 3 SECTION 2. Chapter 2, Code of Criminal Procedure, is
- 4 amended by adding Article 2.295 to read as follows:
- 5 Art. 2.295. REPORT REQUIRED IN CONNECTION WITH IMPROPER
- 6 PHOTOGRAPHY OR VISUAL RECORDING OF CERTAIN IDENTIFYING
- 7 INFORMATION. (a) A peace officer to whom an alleged violation of
- 8 Section 32.515, Penal Code, is reported shall make a written report
- 9 to the law enforcement agency that employs the peace officer that
- 10 includes the following information:
- 11 (1) the name of the victim;
- 12 (2) the name of the suspect, if known;
- 13 (3) the type of identifying information photographed,
- 14 recorded, captured, or transferred in violation of Section 32.515,
- 15 Penal Code; and
- 16 (4) the results of any investigation.
- 17 (b) On the victim's request, the law enforcement agency
- 18 shall provide the report created under Subsection (a) to the
- 19 victim. In providing the report, the law enforcement agency shall
- 20 redact any otherwise confidential information that is included in
- 21 the report, other than the information described by Subsection (a).
- 22 SECTION 3. Chapter 13, Code of Criminal Procedure, is
- 23 amended by adding Article 13.295 to read as follows:
- 24 Art. 13.295. IMPROPER PHOTOGRAPHY OR VISUAL RECORDING OF
- 25 CERTAIN IDENTIFYING INFORMATION. An offense under Section 32.515,
- 26 Penal Code, may be prosecuted in any county in which the offense was
- 27 committed or in the county of residence of the person whose

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- 1 identifying information was unlawfully photographed, recorded,
- 2 <u>captured</u>, or transferred.
- 3 SECTION 4. This Act takes effect September 1, 2011.