

By: Huffman

S.B. No. 486

A BILL TO BE ENTITLED

AN ACT

relating to creating the offense of sexual voyeurism; providing a penalty and other civil consequences.

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

SECTION 1. Chapter 21, Penal Code, is amended by adding Section 21.16 to read as follows:

Sec. 21.16. SEXUAL VOYEURISM. (a) A person commits an offense if, while on the premises of a public place and with the intent to arouse or gratify the person's sexual desire, the person looks into an area that is designed to provide privacy to another person using the area, such as a restroom or shower stall or changing or dressing room, and observes the other person without the other person's consent.

(b) An offense under this section is a third degree felony, except that the offense is a second degree felony if it is shown on the trial of the offense that the person has been previously convicted of an offense under this section.

SECTION 2. Article 62.001(5), Code of Criminal Procedure, is amended to read as follows:

(5) "Reportable conviction or adjudication" means a conviction or adjudication, including an adjudication of delinquent conduct or a deferred adjudication, that, regardless of the pendency of an appeal, is a conviction for or an adjudication for or based on:

1 (A) a violation of Section 21.02 (Continuous
2 sexual abuse of young child or children), 21.11 (Indecency with a
3 child), 22.011 (Sexual assault), 22.021 (Aggravated sexual
4 assault), or 25.02 (Prohibited sexual conduct), Penal Code;

5 (B) a violation of Section 43.05 (Compelling
6 prostitution), 43.25 (Sexual performance by a child), or 43.26
7 (Possession or promotion of child pornography), Penal Code;

8 (C) a violation of Section 20.04(a)(4)
9 (Aggravated kidnapping), Penal Code, if the actor committed the
10 offense or engaged in the conduct with intent to violate or abuse
11 the victim sexually;

12 (D) a violation of Section 30.02 (Burglary),
13 Penal Code, if the offense or conduct is punishable under
14 Subsection (d) of that section and the actor committed the offense
15 or engaged in the conduct with intent to commit a felony listed in
16 Paragraph (A) or (C);

17 (E) a violation of Section 20.02 (Unlawful
18 restraint), 20.03 (Kidnapping), or 20.04 (Aggravated kidnapping),
19 Penal Code, if, as applicable:

20 (i) the judgment in the case contains an
21 affirmative finding under Article 42.015; or

22 (ii) the order in the hearing or the papers
23 in the case contain an affirmative finding that the victim or
24 intended victim was younger than 17 years of age;

25 (F) the second violation of Section 21.08
26 (Indecent exposure), Penal Code, but not if the second violation
27 results in a deferred adjudication;

1 (G) an attempt, conspiracy, or solicitation, as
2 defined by Chapter 15, Penal Code, to commit an offense or engage in
3 conduct listed in Paragraph (A), (B), (C), (D), or (E);

4 (H) a violation of the laws of another state,
5 federal law, the laws of a foreign country, or the Uniform Code of
6 Military Justice for or based on the violation of an offense
7 containing elements that are substantially similar to the elements
8 of an offense listed under Paragraph (A), (B), (C), (D), (E), (G),
9 ~~[or]~~ (J), or (K), but not if the violation results in a deferred
10 adjudication;

11 (I) the second violation of the laws of another
12 state, federal law, the laws of a foreign country, or the Uniform
13 Code of Military Justice for or based on the violation of an offense
14 containing elements that are substantially similar to the elements
15 of the offense of indecent exposure, but not if the second violation
16 results in a deferred adjudication; ~~[or]~~

17 (J) a violation of Section 33.021 (Online
18 solicitation of a minor), Penal Code; or

19 (K) a violation of Section 21.16 (Sexual
20 voyeurism), Penal Code.

21 SECTION 3. This Act takes effect September 1, 2011.