

Amend CSHB 912 (house committee printing) as follows:

(1) On page 1, line 12, strike "real property" and substitute "privately owned real property in this state".

(2) On page 2, line 10, strike "or authorizes the use of".

(3) On page 2, line 12, strike "monitor or".

(4) On page 4, between lines 9 and 10, insert the following:

(e) In this section, "intent" has the meaning assigned by Section 6.03, Penal Code.

(5) On page 4, strike lines 12 through 14 and substitute the following:

the person:

(1) captures an image in violation of Section 423.003;  
and

(2) possesses, discloses, displays, distributes, or otherwise uses that image.

(6) Strike page 5, line 19, through page 6, line 13, and substitute the following:

Sec. 423.006. CIVIL ACTION. (a) An owner or tenant of privately owned real property located in this state may bring against a person who, in violation of Section 423.003, captured an image of the property or the owner or tenant while on the property an action to:

(1) enjoin a violation or imminent violation of Section 423.003 or 423.004;

(2) recover a civil penalty of:

(A) \$5,000 for all images captured in a single episode in violation of Section 423.003; or

(B) \$10,000 for disclosure, display, distribution, or other use of any images captured in a single episode in violation of Section 423.004; or

(3) recover actual damages if the person who captured the image in violation of Section 423.003 discloses, displays, or distributes the image with malice.

(b) For purposes of recovering the civil penalty or actual damages under Subsection (a), all owners of a parcel of real property are considered to be a single owner and all tenants of a parcel of real property are considered to be a single tenant.

(c) In this section, "malice" has the meaning assigned by Section 41.001, Civil Practice and Remedies Code.

(7) On page 6, strike lines 19 through 25 and substitute the following:

(f) An action brought under this section must be commenced within two years from the date the image was:

(1) captured in violation of Section 423.003; or

(2) initially disclosed, displayed, distributed, or otherwise used in violation of Section 423.004.