

BILL ANALYSIS

H.B. 1628
By: Harper-Brown
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, the offense of indecent exposure is punishable by a Class B misdemeanor, regardless of any number of prior convictions. This creates a situation in which an individual may continually reoffend because the potential punishment is not enough to dissuade the person from repeating the illegal behavior. H.B. 1628 seeks to target repeat indecent exposure offenders by enhancing the penalty for subsequent convictions.

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. 1628 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 seven or more times of such an offense. The bill establishes that 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

September 1, 2013.