

## **BILL ANALYSIS**

H.B. 777  
By: Riddle  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties note that the offense of indecent exposure is punishable as a Class B misdemeanor, regardless of the number of prior convictions for the same offense. The parties assert that this creates a situation in which an individual may continually reoffend and never face a greater punishment. H.B. 777 seeks to deter persons from repeating this illegal behavior.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

### **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. 777 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 of indecent exposure one time and from a Class B misdemeanor to a state jail felony if it is shown on the trial of the offense that the defendant has been previously convicted of indecent exposure two or more times. The bill specifies 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, 2015.