

By: Menéndez

H.B. No. 147

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the prosecution of the offense of improper photography
3 or visual recording.

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

5 SECTION 1. Sections 21.15(a) and (b), Penal Code, are
6 amended to read as follows:

7 (a) In this section:

8 (1) "Female breast" means any portion of the female
9 breast below the top of the areola.

10 (2) "Intimate area" means the naked or
11 undergarment-clad genitals, pubic area, anus, buttocks, or female
12 breast of a person.

13 (3) "Place in which a person has a reasonable
14 expectation of privacy" means a place in which a reasonable person
15 would believe that the person could disrobe in privacy, without
16 being concerned that the act of undressing would be photographed or
17 filmed by another.

18 (4) "Promote" [~~,"promote"~~] has the meaning assigned
19 by Section 43.21.

20 (b) A person commits an offense if, without the other
21 person's consent and with intent to invade the privacy of the other
22 person, the person:

23 (1) photographs or by videotape or other electronic
24 means records, broadcasts, or transmits a visual image of an

1 intimate area of another person under circumstances in which the
2 other person has a reasonable expectation of privacy, regardless of
3 whether the other person is in a public or private place; [another
4 at a location that is not a bathroom or private dressing room;

5 [(A) ~~without the other person's consent; and~~

6 [(B) ~~with intent to arouse or gratify the sexual~~
7 ~~desire of any person;]~~

8 (2) photographs or by videotape or other electronic
9 means records, broadcasts, or transmits a visual image of another
10 person in a place in which the other person has a reasonable
11 expectation of privacy [~~another at a location that is a bathroom or~~
12 ~~private dressing room;~~

13 [(A) ~~without the other person's consent; and~~

14 [(B) ~~with intent to:~~

15 [(i) ~~invade the privacy of the other~~
16 ~~person; or~~

17 [(ii) ~~arouse or gratify the sexual desire~~
18 ~~of any person]; or~~

19 (3) knowing the character and content of the
20 photograph, recording, broadcast, or transmission, promotes a
21 photograph, recording, broadcast, or transmission described by
22 Subdivision (1) or (2).

23 SECTION 2. The change in law made by this Act applies only
24 to an offense committed on or after the effective date of this Act.
25 An offense committed before the effective date of this Act is
26 governed by the law in effect on the date the offense was committed,
27 and the former law is continued in effect for that purpose. For

1 purposes of this section, an offense was committed before the
2 effective date of this Act if any element of the offense occurred
3 before that date.

4 SECTION 3. This Act takes effect September 1, 2015.