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H.B. No. 603

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the offense of unlawful dissemination  
of certain visual material; providing penalties.

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. UNLAWFUL DISSEMINATION OF CERTAIN VISUAL  
MATERIAL. (a) In this section:

(1) "Exposed intimate parts" means a person's intimate  
parts that are:

(A) entirely unclothed; or

(B) clothed in a manner that leaves any portion  
of those parts uncovered or visible through less than fully opaque  
clothing.

(2) "Intimate parts" means the genitals, pubic area,  
anus, buttocks, or female nipple of a person.

(3) "Sexual conduct" has the meaning assigned by  
Section 43.25.

(4) "Visual material" has the meaning assigned by  
Section 43.26.

(b) A person commits an offense if:

(1) the person intentionally disseminates visual  
material depicting the other person:

(A) with the other person's exposed intimate

1 parts; or

2 (B) engaged in sexual conduct;

3 (2) the person obtained the visual material under  
4 circumstances in which a reasonable person should have known or  
5 understood that the visual material was to remain private;

6 (3) the person knows or should have known that the  
7 depicted person did not consent to the dissemination;

8 (4) the depicted person is identifiable from the  
9 content of the visual material or from any information displayed in  
10 connection with the visual material; and

11 (5) the person disseminates the visual material with  
12 the intent to:

13 (A) harass, abuse, or torment the depicted  
14 person; or

15 (B) obtain a benefit in return for or in  
16 connection with the dissemination.

17 (c) It is a defense to prosecution under this section that:

18 (1) the dissemination is made in the course of:

19 (A) lawful and common practices of law  
20 enforcement or medical treatment;

21 (B) reporting unlawful activity; or

22 (C) a legal proceeding, if the dissemination was  
23 permitted or required by law;

24 (2) the dissemination consists of visual material  
25 depicting only a voluntary exposure of intimate parts or sexual  
26 conduct in a public or commercial setting; or

27 (3) the actor is an interactive computer service, as

1 defined by 47 U.S.C. Section 230, or a provider of an information  
2 service, as defined by 47 U.S.C. Section 153, and the dissemination  
3 consists of visual material provided by another person.

4 (d) An offense under this section is a state jail felony.

5 SECTION 2. This Act takes effect September 1, 2015.