

By: Davis of Harris, Springer, Leach, et al.

H.B. No. 603

Substitute the following for H.B. No. 603:

By: Herrero

C.S.H.B. No. 603

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the creation of the offense of unlawful dissemination
3 of certain visual material; providing penalties.

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

5 SECTION 1. Chapter 21, Penal Code, is amended by adding
6 Section 21.16 to read as follows:

7 Sec. 21.16. UNLAWFUL DISSEMINATION OF CERTAIN VISUAL
8 MATERIAL. (a) In this section:

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

11 (A) entirely unclothed; or

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

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

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

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

21 (b) A person commits an offense if:

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

24 (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; and

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.

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

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

13 (A) lawful and common practices of law
14 enforcement or medical treatment;

15 (B) reporting unlawful activity; or

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

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

21 (3) the actor is an interactive computer service, as
22 defined by 47 U.S.C. Section 230, or a provider of an information
23 service, as defined by 47 U.S.C. Section 153, and the dissemination
24 consists of visual material provided by another person.

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

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