

By: Anderson of Dallas

H.B. No. 2005

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the offense of improper photography or visual recording; increasing a criminal penalty.

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

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

(a) In this section:

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

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

(3) "Sexual or other intimate parts" means the human genitals, pubic area, anus, buttocks, or female breast below the top of the areola, whether those parts are naked or covered by undergarments or other clothing.

(b) A person commits an offense if [~~the person~~]:

(1) without the other person's consent, with the intent to secretly conduct or hide the actor's activity, and with the intent to view or attempt to view the other person's sexual or other intimate parts, the actor photographs or by videotape or other electronic means records, broadcasts, or transmits a visual

1 image of the sexual or other intimate parts of another person [~~at a~~
2 ~~location that is not a bathroom or private dressing room~~]:

3 (A) under or around the other person's clothing
4 [~~without the other person's consent~~]; and

5 (B) under circumstances in which a reasonable
6 person would believe that the person's sexual or other intimate
7 parts would not be visible to the public [~~with intent to arouse or~~
8 ~~gratify the sexual desire of any person~~];

9 (2) without the other person's consent and with the
10 intent to invade the privacy of the other person, the actor
11 photographs or by videotape or other electronic means records,
12 broadcasts, or transmits a visual image of another person in a place
13 in which the other person has a reasonable expectation of privacy
14 [~~another at a location that is a bathroom or private dressing room.~~

15 [~~(A) without the other person's consent, and~~

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

17 [~~(i) invade the privacy of the other~~
18 ~~person, or~~

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

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

25 (c) An offense under this section is a state jail felony,
26 except that the offense is a felony of the third degree if it is
27 shown on the trial of the offense that the victim was younger than

1 18 years of age at the time of the commission of the offense.

2 SECTION 2. The change in law made by this Act applies only
3 to an offense committed on or after the effective date of this Act.
4 An offense committed before the effective date of this Act is
5 governed by the law in effect on the date the offense was committed,
6 and the former law is continued in effect for that purpose. For
7 purposes of this section, an offense was committed before the
8 effective date of this Act if any element of the offense occurred
9 before that date.

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