

A BILL TO BE ENTITLED

AN ACT

relating to the publication of an image that depicts an individual without the individual's consent; imposing a civil penalty.

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

SECTION 1. Subtitle C, Title 5, Business & Commerce Code, is amended by adding Chapter 113 to read as follows:

CHAPTER 113. PUBLICATION OF CERTAIN IMAGES

Sec. 113.001. DEFINITION. In this chapter, "unauthorized image" means an image that depicts an individual who has not consented to the capture or publication of the image.

Sec. 113.002. APPLICABILITY OF CHAPTER. This chapter does not apply to the publication of an image:

(1) by a bona fide member of the news media when acting in that capacity;

(2) by law enforcement personnel in the performance of their duties; or

(3) into the public domain by an individual who appears in the image.

Sec. 113.003. PUBLICATION OF UNAUTHORIZED IMAGE PROHIBITED. A person may not publish an unauthorized image on the Internet.

Sec. 113.004. REQUEST FOR REMOVAL OF UNAUTHORIZED IMAGE. A business entity that owns or operates an Internet website and receives a request from an individual who is depicted in an

1 unauthorized image for removal of the unauthorized image from the
2 website shall remove the image not more than 48 hours after the
3 business entity receives the request.

4 Sec. 113.005. CIVIL PENALTY; INJUNCTION. (a) A business
5 entity that violates Section 113.004 is liable to this state for a
6 civil penalty in an amount not to exceed \$200.

7 (b) The attorney general or an appropriate local
8 prosecuting attorney may bring an action to collect a civil penalty
9 imposed under this section.

10 (c) If the attorney general brings an action under
11 Subsection (b) and prevails, the civil penalty shall be deposited
12 in the state treasury to the credit of the general revenue fund. If
13 a local prosecuting attorney brings the action and prevails, the
14 civil penalty shall be deposited in the general fund of the
15 appropriate county.

16 (d) The attorney general may bring an action in the name of
17 this state to restrain or enjoin a violation or threatened
18 violation of this chapter.

19 SECTION 2. Chapter 113, Business & Commerce Code, as added
20 by this Act, applies to any publication of an image that occurs on
21 or after the effective date of this Act, regardless of whether the
22 image was initially published before that date.

23 SECTION 3. This Act takes effect September 1, 2017.