

By: Kuempel

H.B. No. 2531

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the prosecution of the offense of disorderly conduct.

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

4 SECTION 1. Section 42.01, Penal Code, is amended by  
5 amending Subsections (a) and (a-1) and adding Subsections (a-2) and  
6 (b-1) to read as follows:

7 (a) A person commits an offense if the person [~~he~~]  
8 intentionally or knowingly:

9 (1) uses abusive, indecent, profane, or vulgar  
10 language in a public place, and the language by its very utterance  
11 tends to incite an immediate breach of the peace;

12 (2) makes an offensive gesture or display in a public  
13 place, and the gesture or display tends to incite an immediate  
14 breach of the peace;

15 (3) creates, by chemical means, a noxious and  
16 unreasonable odor in a public place;

17 (4) abuses or threatens a person in a public place in  
18 an obviously offensive manner;

19 (5) makes unreasonable noise in a public place other  
20 than a sport shooting range, as defined by Section 250.001, Local  
21 Government Code, or in or near a private residence that the person  
22 [~~he~~] has no right to occupy;

23 (6) fights with another in a public place;

24 (7) discharges a firearm in a public place other than a

1 public road or a sport shooting range, as defined by Section  
2 [250.001](#), Local Government Code;

3 (8) displays a firearm or other deadly weapon in a  
4 public place in a manner calculated to alarm;

5 (9) discharges a firearm on or across a public road;

6 (10) exposes the person's ~~[his]~~ anus or genitals in a  
7 public place and is reckless about whether another may be present  
8 who will be offended or alarmed by the person's ~~[his]~~ act; ~~[or]~~

9 (11) for a lewd or unlawful purpose:

10 (A) enters on the property of another and looks  
11 into a dwelling on the property through any window or other opening  
12 in the dwelling;

13 (B) while on the premises of a hotel or  
14 comparable establishment, looks into a guest room not the person's  
15 own through a window or other opening in the room; or

16 (C) while on the premises of a public place,  
17 looks into an area such as a restroom or shower stall or changing or  
18 dressing room that is designed to provide privacy to a person using  
19 the area; or

20 (12) detonates a binary explosive within two miles of  
21 a private residence during the period between sunset and sunrise.

22 (a-1) For purposes of this section ~~[Subsection (a)]~~, the  
23 term "public place" includes a public school campus or the school  
24 grounds on which a public school is located.

25 (a-2) For purposes of this section, "binary explosive"  
26 means a product consisting of two chemical components or compounds  
27 that separately are not explosive but combine to create an

1 explosive, as defined by Section 541.401, Transportation Code.

2 (b-1) It is a defense to prosecution under Subsection  
3 (a)(12) that the actor detonated a binary explosive as permitted or  
4 otherwise authorized by the federal government or by the state or a  
5 political subdivision of the state.

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

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