

By: González of El Paso, Meyer

H.B. No. 98

A BILL TO BE ENTITLED

AN ACT

relating to civil and criminal liability for the unlawful disclosure of intimate visual material.

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

SECTION 1. Section 98B.002(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) A defendant is liable, as provided by this chapter, to a person depicted in intimate visual material for damages arising from the disclosure of the material if:

(1) the defendant discloses the intimate visual material without the effective consent of the depicted person and with the intent to harm that person;

(2) at the time of the disclosure, the defendant knows or has reason to believe that the intimate visual material was obtained by the defendant or created under circumstances in which the depicted person had a reasonable expectation that the material would remain private;

(3) the disclosure of the intimate visual material causes harm to the depicted person; and

(4) the disclosure of the intimate visual material reveals the identity of the depicted person in any manner, including through:

(A) any accompanying or subsequent information or material related to the intimate visual material; or

1 (B) information or material provided by a third
2 party in response to the disclosure of the intimate visual
3 material.

4 SECTION 2. Section 21.16(b), Penal Code, is amended to read
5 as follows:

6 (b) A person commits an offense if:

7 (1) without the effective consent of the depicted
8 person and with the intent to harm that person, the person
9 [~~intentionally~~] discloses visual material depicting another person
10 with the person's intimate parts exposed or engaged in sexual
11 conduct;

12 (2) at the time of the disclosure, the person knows or
13 has reason to believe that the visual material was obtained by the
14 person or created under circumstances in which the depicted person
15 had a reasonable expectation that the visual material would remain
16 private;

17 (3) the disclosure of the visual material causes harm
18 to the depicted person; and

19 (4) the disclosure of the visual material reveals the
20 identity of the depicted person in any manner, including through:

21 (A) any accompanying or subsequent information
22 or material related to the visual material; or

23 (B) information or material provided by a third
24 party in response to the disclosure of the visual material.

25 SECTION 3. (a) Section 98B.002, Civil Practice and
26 Remedies Code, as amended by this Act, applies only to a cause of
27 action that accrues on or after the effective date of this Act. A

1 cause of action that accrues before the effective date of this Act
2 is governed by the law applicable to the cause of action immediately
3 before the effective date of this Act, and that law is continued in
4 effect for that purpose.

5 (b) Section 21.16, Penal Code, as amended by this Act,
6 applies only to an offense committed on or after the effective date
7 of this Act. An offense committed before the effective date of this
8 Act is governed by the law in effect on the date the offense was
9 committed, and the former law is continued in effect for that
10 purpose. For purposes of this subsection, an offense was committed
11 before the effective date of this Act if any element of the offense
12 was committed before that date.

13 SECTION 4. This Act takes effect September 1, 2019.