

BILL ANALYSIS

H.B. 1730
By: Schaefer
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Indecent exposure is committed when a person exposes their anus or any part of their genitals with intent to arouse or gratify the sexual desire of any person and is reckless about whether another is present who will be offended or alarmed by the act. It is a sexual offense that can have a lifelong negative impact on victims. According to the 2021 Texas Crime Report put together by the Department of Public Safety, which reported on all sex offenses, including indecent exposure, the largest victim demographic of sexual assault are females ages 10-14. The harshest charge for indecent exposure in Texas is a class B misdemeanor, regardless of how many times an individual may re-offend. A second conviction of indecent exposure is the only crime listed under the sex offender crime list that is not a felony. H.B. 1730 seeks to remedy this situation by enhancing the penalty for indecent exposure from a Class B misdemeanor to a Class A misdemeanor if the person on trial has once previously been convicted of such an offense. It is further enhanced to a state jail felony if the person on trial has been convicted for indecent exposure two or more times.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1730 amends the Penal Code to enhance the penalty for a subsequent conviction of indecent exposure from a Class B misdemeanor to a Class A misdemeanor and for any additional conviction, to a state jail felony. The bill applies only to an offense committed on or after the bill's effective date and provides for the continuation of the law in effect before the bill's effective date for purposes of an offense, or any element thereof, that occurred before that date.

EFFECTIVE DATE

September 1, 2023.