

1-1 By: West S.B. No. 997
 1-2 (In the Senate - Filed February 17, 2023; March 3, 2023,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 April 18, 2023, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 10, Nays 0; April 18, 2023,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17			X	
1-18	X			
1-19	X			

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 997 By: Hughes

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to the publication of certain photographs of human remains
 1-24 by certain individuals for a purpose other than an authorized
 1-25 purpose; providing a civil penalty.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. This Act shall be known as the Kobe and Gianna
 1-28 Bryant Act.

1-29 SECTION 2. Subtitle A, Title 8, Health and Safety Code, is
 1-30 amended by adding Chapter 672A to read as follows:

1-31 CHAPTER 672A. PROHIBITED PUBLICATION OF CERTAIN PHOTOGRAPHS OF
 1-32 HUMAN REMAINS

1-33 Sec. 672A.001. DEFINITIONS. In this chapter:

1-34 (1) "Human remains" has the meaning assigned by
 1-35 Section 711.001.

1-36 (2) "Publish" means to display, present, or release a
 1-37 photograph to an unauthorized person, or to cause a photograph to be
 1-38 displayed, presented, or released to an unauthorized person.

1-39 Sec. 672A.002. PROHIBITED PUBLICATION OF CERTAIN
 1-40 PHOTOGRAPHS DEPICTING HUMAN REMAINS. (a) An individual may not
 1-41 publish photograph of human remains that the individual obtained
 1-42 while acting within the course and scope of the individual's duties
 1-43 as an officer or employee of this state or a political subdivision
 1-44 of this state.

1-45 (b) For purposes of Subsection (a), a photograph is
 1-46 considered to have been published if the photograph is:

1-47 (1) displayed to an unauthorized person;

1-48 (2) released to an unauthorized person by any delivery
 1-49 method, including text message, e-mail, or facsimile;

1-50 (3) posted on a social media platform; or

1-51 (4) sold to a news publication.

1-52 Sec. 672A.003. CIVIL PENALTY. (a) An individual who
 1-53 violates Section 672A.002 is liable for a civil penalty in an amount
 1-54 not to exceed \$10,000 for each violation.

1-55 (b) The attorney general or the appropriate county or
 1-56 district attorney may sue to collect the civil penalty provided by
 1-57 Subsection (a) and may recover attorney's fees and costs incurred
 1-58 in obtaining relief under this section.

1-59 (c) It is a defense to liability for a civil penalty under

2-1 this section that:

2-2 (1) the individual published the photograph of human
2-3 remains for an official law enforcement, scientific, educational,
2-4 research, or medical purpose, or as part of a civil proceeding; or

2-5 (2) the photograph was published in a documentary film
2-6 or television show with the approval of the chief medical examiner,
2-7 coroner, or commissioners court, as applicable, and the remains are
2-8 unidentifiable.

2-9 (d) A defendant may not assert official immunity as a
2-10 defense in an action brought under this section.

2-11 SECTION 3. This Act takes effect September 1, 2023.

2-12

* * * * *