

By: Hickland, Bowers, Louderback, Gámez,  
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H.B. No. 1465

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the criminal offense of invasive  
visual recording and the applicability of sex offender registration  
requirements to that offense.

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

SECTION 1. Article 62.001(5), Code of Criminal Procedure,  
is amended to read as follows:

(5) "Reportable conviction or adjudication" means a  
conviction or adjudication, including an adjudication of  
delinquent conduct or a deferred adjudication, that, regardless of  
the pendency of an appeal, is a conviction for or an adjudication  
for or based on:

(A) a violation of Section 21.02 (Continuous  
sexual abuse of young child or disabled individual), 21.09  
(Bestiality), 21.11 (Indecency with a child), 21.15 (Invasive  
visual recording), 22.011 (Sexual assault), 22.021 (Aggravated  
sexual assault), or 25.02 (Prohibited sexual conduct), Penal Code;

(B) a violation of Section 43.04 (Aggravated  
promotion of prostitution), 43.05 (Compelling prostitution), 43.25  
(Sexual performance by a child), or 43.26 (Possession or promotion  
of child pornography), Penal Code;

(B-1) a violation of Section 43.021  
(Solicitation of Prostitution), Penal Code, if the offense is  
punishable as a felony of the second degree;

1 (C) a violation of Section 20.04(a)(4)  
2 (Aggravated kidnapping), Penal Code, if the actor committed the  
3 offense or engaged in the conduct with intent to violate or abuse  
4 the victim sexually;

5 (D) a violation of Section 30.02 (Burglary),  
6 Penal Code, if the offense or conduct is punishable under  
7 Subsection (d) of that section and the actor committed the offense  
8 or engaged in the conduct with intent to commit a felony listed in  
9 Paragraph (A) or (C);

10 (E) a violation of Section 20.02 (Unlawful  
11 restraint), 20.03 (Kidnapping), or 20.04 (Aggravated kidnapping),  
12 Penal Code, if, as applicable:

13 (i) the judgment in the case contains an  
14 affirmative finding under Article 42.015; or

15 (ii) the order in the hearing or the papers  
16 in the case contain an affirmative finding that the victim or  
17 intended victim was younger than 17 years of age;

18 (F) the second violation of Section 21.08  
19 (Indecent exposure), Penal Code, but not if the second violation  
20 results in a deferred adjudication;

21 (G) an attempt, conspiracy, or solicitation, as  
22 defined by Chapter 15, Penal Code, to commit an offense or engage in  
23 conduct listed in Paragraph (A), (B), (C), (D), (E), (K), or (L);

24 (H) a violation of the laws of another state,  
25 federal law, the laws of a foreign country, or the Uniform Code of  
26 Military Justice for or based on the violation of an offense  
27 containing elements that are substantially similar to the elements

1 of an offense listed under Paragraph (A), (B), (B-1), (C), (D), (E),  
2 (G), (J), (K), or (L), but not if the violation results in a  
3 deferred adjudication;

4 (I) the second violation of the laws of another  
5 state, federal law, the laws of a foreign country, or the Uniform  
6 Code of Military Justice for or based on the violation of an offense  
7 containing elements that are substantially similar to the elements  
8 of the offense of indecent exposure, but not if the second violation  
9 results in a deferred adjudication;

10 (J) a violation of Section 33.021 (Online  
11 solicitation of a minor), Penal Code;

12 (K) a violation of Section 20A.02(a)(3), (4),  
13 (7), or (8) (Trafficking of persons), Penal Code; or

14 (L) a violation of Section 20A.03 (Continuous  
15 trafficking of persons), Penal Code, if the offense is based partly  
16 or wholly on conduct that constitutes an offense under Section  
17 20A.02(a)(3), (4), (7), or (8) of that code.

18 SECTION 2. Section 21.15(a), Penal Code, is amended by  
19 adding Subdivision (3-a) to read as follows:

20 (3-a) "Place in which a person has a reasonable  
21 expectation of privacy" means a place in which a reasonable person  
22 would believe that the person could disrobe in privacy, without  
23 being concerned that the act of undressing would be photographed or  
24 visually recorded by another or that a visual image of the person  
25 undressing would be broadcasted or transmitted by another. The  
26 term includes a bathroom, bedroom, and changing room.

27 SECTION 3. Section 21.15(b), Penal Code, is amended to read

1 as follows:

2 (b) A person commits an offense if, without the other  
3 person's consent and with intent to invade the privacy of the other  
4 person, the person:

5 (1) photographs or by videotape or other electronic  
6 means records, broadcasts, or transmits a visual image of an  
7 intimate area of another person if the other person has a reasonable  
8 expectation that the intimate area is not subject to public view;

9 (2) photographs or by videotape or other electronic  
10 means records, broadcasts, or transmits a visual image of another  
11 person in a place in which a person has a reasonable expectation of  
12 privacy [~~bathroom or changing room~~]; or

13 (3) knowing the character and content of the  
14 photograph, recording, broadcast, or transmission, promotes a  
15 photograph, recording, broadcast, or transmission described by  
16 Subdivision (1) or (2).

17 SECTION 4. The changes in law made by this Act apply only to  
18 an offense committed on or after the effective date of this Act. An  
19 offense committed before the effective date of this Act is governed  
20 by the law in effect on the date the offense was committed, and the  
21 former law is continued in effect for that purpose. For purposes of  
22 this section, an offense was committed before the effective date of  
23 this Act if any element of the offense was committed before that  
24 date.

25 SECTION 5. This Act takes effect September 1, 2025.