

By: Hickland

H.B. No. 1465

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the prosecution of the criminal offense of invasive
3 visual recording and the applicability of sex offender registration
4 requirements to that offense.

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

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

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

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

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

22 (B-1) a violation of Section 43.021
23 (Solicitation of Prostitution), Penal Code, if the offense is
24 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 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.