

- SUBJECT:** Increasing the punishment for prior convictions of indecent exposure
- COMMITTEE:** Criminal Jurisprudence — favorable, without amendment
- VOTE:** 6 ayes — Herrero, Moody, Canales, Leach, Shaheen, Simpson
- 0 nays
- 1 absent — Hunter
- WITNESSES:** For — Justin Wood, Harris County District Attorney's Office;
(*Registered, but did not testify:* Donald Baker, Austin Police Department;
Henry Garza, Bell County District Attorney's Office; William Squires,
Bexar County District Attorney; Gary Tittle, Dallas Police Department;
Donald McKinney, Houston Police Department; Tiana Sanford,
Montgomery County District Attorney's Office; William Hon, Polk
County Criminal District Attorney; Brian Eppes, Tarrant County Criminal
District Attorney's Office; Sean Mannix, Texas Police Chiefs Association;
Lon Craft, TMPA; John Dodson, Uvalde County Attorney; Kristen
Barnebey Blanford)
- Against — (*Registered, but did not testify:* Thomas Ratliff, Harris/Ft.
Bend County Criminal Lawyers Association; Patricia Cummings, Texas
Criminal Defense Lawyers Association; Leah Lobsiger; Roger Miller)
- BACKGROUND:** Under Penal Code, sec. 21.08, the offense of indecent exposure is
a class B misdemeanor (up to 180 days in jail and/or a maximum fine of
\$2,000), regardless of the number of prior convictions for this offense.
- DIGEST:** HB 777 would increase the penalty for the offense of indecent exposure
from a class B misdemeanor to a class A misdemeanor (up to one year in
jail and/or a maximum fine of \$4,000) if the defendant had a prior
conviction for indecent exposure and to a state-jail felony (180 days to
two years in a state jail and an optional fine of up to \$10,000) if the
defendant had two or more prior convictions.

A defendant would be considered to have had a prior conviction if the defendant was adjudged guilty of the offense or entered a plea of guilty or no contest in return for a grant of deferred adjudication, regardless of whether the sentence for the offense was ever imposed or whether it was probated and the defendant was later discharged from community supervision.

The bill would take effect September 1, 2015, and would apply only to an offense committed on or after that date.