

SUBJECT: Increasing a criminal penalty for multiple offenses of indecent exposure

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 5 ayes — Moody, Bhojani, Bowers, Darby, Harrison

0 nays

4 absent — Cook, Leach, C. Morales, Schatzline

WITNESSES: For — Jason Ellis; Jacob Putman; (*Registered, but did not testify*: M Paige Williams, Dallas County Criminal District Attorney John Creuzot; James Parnell, Dallas Police Association; Jessica Anderson, Houston Police Department; Ray Hunt, Houston Police Officers' Union; Cindi Castilla, Texas Eagle Forum; John Wilkerson, Texas Municipal Police Association; Thomas Parkinson; Gail Stanart)

Against — None

DIGEST: HB 1730 would enhance the penalty for indecent exposure from a class B misdemeanor (up to 180 days in jail and/or a maximum fine of \$2,000) to a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000) if the defendant had been previously convicted of such an offense. The penalty for indecent exposure would be enhanced further 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 been convicted of the same offense two or more times.

The bill would take effect September 1, 2023, and would apply only to an offense committed on or after that date.

SUPPORTERS SAY: HB 1730 would establish a penalty enhancement for repeat offenders of indecent exposure, an offense often recommitted by its perpetrators. Current law only requires sex offender registration after a second conviction of indecent exposure, which is the only crime listed on the sex offender registry that is not a felony. This measure is not a sufficient

penalty or deterrent given the tendency for defendants to reoffend.

The enhancement created by HB 1730 would provide an adequate remedy for offenders. While the bill would increase the punishment for indecent assault, it also could increase the amount of resources courts could provide to offenders. At the felony range, courts can order longer probations and provide rehabilitative treatment to offenders. With the possibility of increased penalties, offenders could be more willing to comply with treatment and probation recommendations. While the number of individuals who commit indecent exposure is small, repeat offenders sometimes go on to commit a physical contact crime, such as assault or unlawful restraint. By providing a targeted penalty enhancement, HB 1730 could allow courts to intervene and appropriately treat reoffenders of indecent assault.

By increasing the penalty for multiple convictions of indecent exposure, HB 1730 would provide justice to victims, who are often traumatized by the encounter.

CRITICS
SAY:

No concerns identified.