

BILL ANALYSIS

Senate Research Center

H.B. 1804
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Criminal Justice
5/13/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law provides that it is a criminal offense to photograph, videotape, or by electronic means, visually record another person without the person's consent for the purpose of sexual arousal or gratification of the sexual desire of any person. It is also a criminal offense to promote such a photograph or visual recording, knowing the character and content of the photograph or recording. However, Texas law does not provide an offense for broadcasting or transmitting such images.

H.B. 1804 provides that it is an offense to broadcast or transmit the visual image of another person without that person's consent for the purpose of sexual arousal or gratification of the sexual desire of any person. The bill also provides that it is a criminal offense to promote the broadcast or transmission of such visual images, knowing the character and content of the image.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 21.15, Penal Code, by amending Subsection (b) and adding Subsection (e), as follows:

(b) Provides that a person commits an offense if the person photographs or by videotape or other electronic means records, broadcasts, or transmits a visual image of another at a location that is not a bathroom or private dressing room under certain circumstances. Provides that a person commits an offense if the person photographs or by videotape or other electronic means records, broadcasts, or transmits a visual image of another at a location that is a bathroom or private dressing room without the person's consent and with the intent to invade the privacy of the other person or arouse or gratify the sexual desire of any person. Provides that a person commits an offense if the person, knowing the character and content of the photograph, recording, broadcast, or transmission, promotes such activities, as described by this subsection.

(e) Provides that, for the purposes of Subsection (b), a sign or signs posted indicating that the person is being photographed or that a visual image of the person is being recorded, broadcast, or transmitted is not sufficient to establish the person's consent under that subsection.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.