

BILL ANALYSIS

Senate Research Center
82R29197 MAW-D

C.S.H.B. 927
By: Harper-Brown et al. (Hegar)
Criminal Justice
5/21/2011
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

A person commits the offense of indecent exposure "if he exposes his anus or any part of his genitals with the intent to arouse or gratify the sexual desire of any person, and he is reckless about whether another is present who will be offended or alarmed by his act" (Section 21.08, Penal Code). This offense is punishable as a Class B misdemeanor, regardless of any number of prior convictions. This creates a situation in which some will continually reoffend because the potential punishment is not enough to dissuade them from repeating the illegal behavior. C.S.H.B. 927 targets those repeat offenders by specifying that a third or subsequent conviction for indecent exposure is punishable as a state jail felony.

C.S.H.B. 927 amends current law relating to the punishment for the offense of indecent exposure.

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 21.08, Penal Code, by amending Subsection (b) and adding Subsection (c), as follows:

(b) Provides that an offense under this section is a Class B misdemeanor, except that the offense is:

(1) a Class A misdemeanor if it is shown on the trial of the offense that the defendant has been previously convicted one time of an offense under this section; and

(2) a state jail felony if it is shown on the trial of the offense that the defendant has been previously convicted two or more times of an offense under this section.

(c) Provides that for purposes of Subsection (b), a defendant has been previously convicted under this section if the defendant was adjudged guilty of the offense or entered a plea of guilty or nolo contendere in return for a grant of deferred adjudication, regardless of whether the sentence for the offense was ever imposed or whether the sentence was probated and the defendant was subsequently discharged from community supervision.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2011.