

## **BILL ANALYSIS**

Senate Research Center

H.B. 603  
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Criminal Justice  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Interested parties note that while nonconsensual dissemination of intimate visual material is not a new phenomenon, its prevalence, reach, and impact have increased in recent years. Recently, numerous states have passed or are considering legislation criminalizing this conduct. The parties express concern that current Texas law does not provide adequate protection against this type of nonconsensual dissemination. The goal of H.B. 603 is to address this issue that has been identified as a problem nationwide and to create protections for victims of this type of exploitation.

H.B. 603 amends current law relating to the creation of the offense of unlawful dissemination of certain visual material and provides penalties.

### **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 Chapter 21, Penal Code, by adding Section 21.16, as follows:

Sec. 21.16. UNLAWFUL DISSEMINATION OF CERTAIN VISUAL MATERIAL. (a) Defines "exposed intimate parts," "intimate parts," "sexual conduct," and "visual material" in this section.

(b) Provides that a person commits an offense if:

(1) the person intentionally disseminates visual material depicting the other person:

(A) with the other person's exposed intimate parts; or

(B) engaged in sexual conduct;

(2) the person obtained the visual material under circumstances in which a reasonable person should have known or understood that the visual material was to remain private;

(3) the person knows or should have known that the depicted person did not consent to the dissemination;

(4) the depicted person is identifiable from the content of the visual material or from any information displayed in connection with the visual material; and

(5) the person disseminates the visual material with the intent to:

(A) harass, abuse, or torment the depicted person; or

(B) obtain a benefit in return for or in connection with the dissemination.

(c) Provides that it is a defense to prosecution under this section that:

(1) the dissemination is made in the course of:

(A) lawful and common practices of law enforcement or medical treatment;

(B) reporting unlawful activity; or

(C) a legal proceeding, if the dissemination was permitted or required by law;

(2) the dissemination consists of visual material depicting only a voluntary exposure of intimate parts or sexual conduct in a public or commercial setting; or

(3) the actor is an interactive computer service, as defined by 47 U.S.C. Section 230, or a provider of an information service, as defined by 47 U.S.C. Section 153, and the dissemination consists of visual material provided by another person.

(d) Provides that an offense under this section is a state jail felony.

SECTION 2. Effective date: September 1, 2015.