

By: McClendon

H.B. No. 1200

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the offense of improper photography or  
visual recording of certain identifying information.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 32, Penal Code, is amended  
by adding Section 32.515 to read as follows:

Sec. 32.515. IMPROPER PHOTOGRAPHY OR VISUAL RECORDING OF  
CERTAIN IDENTIFYING INFORMATION. (a) In this section:

(1) "Identifying information" has the meaning  
assigned by Section 32.51.

(2) "Payment card" has the meaning assigned by Section  
522.001, Business & Commerce Code.

(b) A person commits an offense if the person, knowing that  
the person is not entitled to possess that information:

(1) photographs or by videotape or other electronic  
means records or captures identifying information contained on the  
face of a sight order or payment card; or

(2) transfers to a third party information  
photographed, recorded, or captured as described by Subdivision  
(1).

(c) An offense under Subsection (b)(1) is a Class B  
misdemeanor. An offense under Subsection (b)(2) is a Class A  
misdemeanor.

(d) If conduct that constitutes an offense under this

1 section also constitutes an offense under any other law, the actor  
2 may be prosecuted under this section or the other law.

3 SECTION 2. Chapter 2, Code of Criminal Procedure, is  
4 amended by adding Article 2.295 to read as follows:

5 Art. 2.295. REPORT REQUIRED IN CONNECTION WITH IMPROPER  
6 PHOTOGRAPHY OR VISUAL RECORDING OF CERTAIN IDENTIFYING  
7 INFORMATION. (a) A peace officer to whom an alleged violation of  
8 Section 32.515, Penal Code, is reported shall make a written report  
9 to the law enforcement agency that employs the peace officer that  
10 includes the following information:

- 11 (1) the name of the victim;  
12 (2) the name of the suspect, if known;  
13 (3) the type of identifying information photographed,  
14 recorded, captured, or transferred in violation of Section 32.515,  
15 Penal Code; and  
16 (4) the results of any investigation.

17 (b) On the victim's request, the law enforcement agency  
18 shall provide the report created under Subsection (a) to the  
19 victim. In providing the report, the law enforcement agency shall  
20 redact any otherwise confidential information that is included in  
21 the report, other than the information described by Subsection (a).

22 SECTION 3. Chapter 13, Code of Criminal Procedure, is  
23 amended by adding Article 13.295 to read as follows:

24 Art. 13.295. IMPROPER PHOTOGRAPHY OR VISUAL RECORDING OF  
25 CERTAIN IDENTIFYING INFORMATION. An offense under Section 32.515,  
26 Penal Code, may be prosecuted in any county in which the offense was  
27 committed or in the county of residence of the person whose

1 identifying information was unlawfully photographed, recorded,  
2 captured, or transferred.

3 SECTION 4. This Act takes effect September 1, 2011.