

By: Riddle

H.B. No. 1747

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the prosecution of entry of a person into a public
3 restroom designated for the opposite sex as disorderly conduct.

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

5 SECTION 1. Section 42.01, Penal Code, is amended by
6 amending Subsection (a) and adding Subsections (h) and (i) to read
7 as follows:

8 (a) A person commits an offense if the person [~~he~~]
9 intentionally or knowingly:

10 (1) uses abusive, indecent, profane, or vulgar
11 language in a public place, and the language by its very utterance
12 tends to incite an immediate breach of the peace;

13 (2) makes an offensive gesture or display in a public
14 place, and the gesture or display tends to incite an immediate
15 breach of the peace;

16 (3) creates, by chemical means, a noxious and
17 unreasonable odor in a public place;

18 (4) abuses or threatens a person in a public place in
19 an obviously offensive manner;

20 (5) makes unreasonable noise in a public place other
21 than a sport shooting range, as defined by Section 250.001, Local
22 Government Code, or in or near a private residence that the person
23 [~~he~~] has no right to occupy;

24 (6) fights with another in a public place;

1 (7) discharges a firearm in a public place other than a
2 public road or a sport shooting range, as defined by Section
3 250.001, Local Government Code;

4 (8) displays a firearm or other deadly weapon in a
5 public place in a manner calculated to alarm;

6 (9) discharges a firearm on or across a public road;

7 (10) exposes the person's [~~his~~] anus or genitals in a
8 public place and is reckless about whether another may be present
9 who will be offended or alarmed by the [~~his~~] act; [~~or~~]

10 (11) for a lewd or unlawful purpose:

11 (A) enters on the property of another and looks
12 into a dwelling on the property through any window or other opening
13 in the dwelling;

14 (B) while on the premises of a hotel or
15 comparable establishment, looks into a guest room not the person's
16 own through a window or other opening in the room; or

17 (C) while on the premises of a public place,
18 looks into an area such as a restroom or shower stall or changing or
19 dressing room that is designed to provide privacy to a person using
20 the area; or

21 (12) enters a public restroom that is designated by a
22 sign for members of the opposite sex of the actor.

23 (h) For the purpose of Subsection (a)(12), a person's sex is
24 the sex listed on the person's driver's license or personal
25 identification card issued by this state or another state.

26 (i) It is a defense to prosecution under Subsection (a)(12)
27 that:

1 (1) the person is:

2 (A) an adult accompanying a child of the opposite
3 sex younger than eight years of age; or

4 (B) a child younger than eight years of age
5 accompanied by an adult of the opposite sex; or

6 (2) the restroom used is a single-user restroom with a
7 door lock.

8 SECTION 2. This Act takes effect September 1, 2015.