

1-1 By: Menéndez S.B. No. 1317
1-2 (In the Senate - Filed March 11, 2015; March 18, 2015, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 30, 2015, reported favorably by the following vote: Yeas 7,
1-5 Nays 0; April 30, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	<u>X</u>			
1-9	<u>X</u>			
1-10	<u>X</u>			
1-11	<u>X</u>			
1-12	<u>X</u>			
1-13	<u>X</u>			
1-14	<u>X</u>			

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the prosecution of the offense of improper photography
1-18 or visual recording.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Sections 21.15(a) and (b), Penal Code, are
1-21 amended to read as follows:

1-22 (a) In this section:

1-23 (1) "Female breast" means any portion of the female
1-24 breast below the top of the areola.

1-25 (2) "Intimate area" means the naked or
1-26 undergarment-clad genitals, pubic area, anus, buttocks, or female
1-27 breast of a person.

1-28 (3) "Place in which a person has a reasonable
1-29 expectation of privacy" means a place in which a reasonable person
1-30 would believe that the person could disrobe in privacy, without
1-31 being concerned that the act of undressing would be photographed or
1-32 filmed by another.

1-33 (4) "Promote" [,"promote"] has the meaning assigned by
1-34 Section 43.21.

1-35 (b) A person commits an offense if, without the other
1-36 person's consent and with intent to invade the privacy of the other
1-37 person, the person:

1-38 (1) photographs or by videotape or other electronic
1-39 means records, broadcasts, or transmits a visual image of an
1-40 intimate area of another person under circumstances in which the
1-41 other person has a reasonable expectation of privacy, regardless of
1-42 whether the other person is in a public or private place; [another
1-43 at a location that is not a bathroom or private dressing room;

1-44 [(A) without the other person's consent, and

1-45 [(B) with intent to arouse or gratify the sexual
1-46 desire of any person,]

1-47 (2) photographs or by videotape or other electronic
1-48 means records, broadcasts, or transmits a visual image of another
1-49 person in a place in which the other person has a reasonable
1-50 expectation of privacy [another at a location that is a bathroom or
1-51 private dressing room;

1-52 [(A) without the other person's consent, and

1-53 [(B) with intent to:

1-54 [(i) invade the privacy of the other
1-55 person, or

1-56 [(ii) arouse or gratify the sexual desire
1-57 of any person]; or

1-58 (3) knowing the character and content of the
1-59 photograph, recording, broadcast, or transmission, promotes a
1-60 photograph, recording, broadcast, or transmission described by
1-61 Subdivision (1) or (2).

2-1 SECTION 2. The change in law made by this Act applies only
2-2 to an offense committed on or after the effective date of this Act.
2-3 An offense committed before the effective date of this Act is
2-4 governed by the law in effect on the date the offense was committed,
2-5 and the former law is continued in effect for that purpose. For
2-6 purposes of this section, an offense was committed before the
2-7 effective date of this Act if any element of the offense occurred
2-8 before that date.

2-9 SECTION 3. This Act takes effect September 1, 2015.

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