

1-1 By: González of El Paso, Meyer H.B. No. 98  
1-2 (Senate Sponsor - Huffman, Zaffirini)  
1-3 (In the Senate - Received from the House April 26, 2019;  
1-4 April 29, 2019, read first time and referred to Committee on State  
1-5 Affairs; May 10, 2019, reported favorably by the following vote:  
1-6 Yeas 9, Nays 0; May 10, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Huffman	X		
1-10	Hughes	X		
1-11	Birdwell	X		
1-12	Creighton	X		
1-13	Fallon	X		
1-14	Hall	X		
1-15	Lucio	X		
1-16	Nelson	X		
1-17	Zaffirini	X		

1-18 A BILL TO BE ENTITLED  
1-19 AN ACT

1-20 relating to civil and criminal liability for the unlawful  
1-21 disclosure of intimate visual material.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 98B.002(a), Civil Practice and Remedies  
1-24 Code, is amended to read as follows:

1-25 (a) A defendant is liable, as provided by this chapter, to a  
1-26 person depicted in intimate visual material for damages arising  
1-27 from the disclosure of the material if:

1-28 (1) the defendant discloses the intimate visual  
1-29 material without the effective consent of the depicted person and  
1-30 with the intent to harm that person;

1-31 (2) at the time of the disclosure, the defendant knows  
1-32 or has reason to believe that the intimate visual material was  
1-33 obtained by the defendant or created under circumstances in which  
1-34 the depicted person had a reasonable expectation that the material  
1-35 would remain private;

1-36 (3) the disclosure of the intimate visual material  
1-37 causes harm to the depicted person; and

1-38 (4) the disclosure of the intimate visual material  
1-39 reveals the identity of the depicted person in any manner,  
1-40 including through:

1-41 (A) any accompanying or subsequent information  
1-42 or material related to the intimate visual material; or

1-43 (B) information or material provided by a third  
1-44 party in response to the disclosure of the intimate visual  
1-45 material.

1-46 SECTION 2. Section 21.16(b), Penal Code, is amended to read  
1-47 as follows:

1-48 (b) A person commits an offense if:

1-49 (1) without the effective consent of the depicted  
1-50 person and with the intent to harm that person, the person  
1-51 [~~intentionally~~] discloses visual material depicting another person  
1-52 with the person's intimate parts exposed or engaged in sexual  
1-53 conduct;

1-54 (2) at the time of the disclosure, the person knows or  
1-55 has reason to believe that the visual material was obtained by the  
1-56 person or created under circumstances in which the depicted person  
1-57 had a reasonable expectation that the visual material would remain  
1-58 private;

1-59 (3) the disclosure of the visual material causes harm  
1-60 to the depicted person; and

1-61 (4) the disclosure of the visual material reveals the

2-1 identity of the depicted person in any manner, including through:  
2-2 (A) any accompanying or subsequent information  
2-3 or material related to the visual material; or  
2-4 (B) information or material provided by a third  
2-5 party in response to the disclosure of the visual material.

2-6 SECTION 3. (a) Section 98B.002, Civil Practice and  
2-7 Remedies Code, as amended by this Act, applies only to a cause of  
2-8 action that accrues on or after the effective date of this Act. A  
2-9 cause of action that accrues before the effective date of this Act  
2-10 is governed by the law applicable to the cause of action immediately  
2-11 before the effective date of this Act, and that law is continued in  
2-12 effect for that purpose.

2-13 (b) Section 21.16, Penal Code, as amended by this Act,  
2-14 applies only to an offense committed on or after the effective date  
2-15 of this Act. An offense committed before the effective date of this  
2-16 Act is governed by the law in effect on the date the offense was  
2-17 committed, and the former law is continued in effect for that  
2-18 purpose. For purposes of this subsection, an offense was committed  
2-19 before the effective date of this Act if any element of the offense  
2-20 was committed before that date.

2-21 SECTION 4. This Act takes effect September 1, 2019.

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