

1-1 By: Middleton S.B. No. 2595
1-2 (In the Senate - Filed March 13, 2025; April 3, 2025, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 7, 2025, re-referred to Committee on State Affairs;
1-5 April 22, 2025, reported adversely, with favorable Committee
1-6 Substitute by the following vote: Yeas 10, Nays 0; April 22, 2025,
1-7 sent to printer.)

1-8	COMMITTEE VOTE				
1-9		Yea	Nay	Absent	PNV
1-10	Hughes	X			
1-11	Paxton	X			
1-12	Bettencourt	X			
1-13	Birdwell	X			
1-14	Hall	X			
1-15	Hinojosa of Nueces	X			
1-16	Middleton	X			
1-17	Parker	X			
1-18	Perry			X	
1-19	Schwertner	X			
1-20	Zaffirini	X			

1-21 COMMITTEE SUBSTITUTE FOR S.B. No. 2595 By: Hughes

1-22 A BILL TO BE ENTITLED
1-23 AN ACT

1-24 relating to the creation of the criminal offense of harassing,
1-25 intimidating, or threatening another person while concealing
1-26 identity with a mask or other headgear.

1-27 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-28 SECTION 1. Chapter 42, Penal Code, is amended by adding
1-29 Section 42.16 to read as follows:

1-30 Sec. 42.16. HARASSING, INTIMIDATING, OR THREATENING PERSON
1-31 WHILE CONCEALING IDENTITY WITH MASK OR OTHER HEADGEAR. (a) In this
1-32 section:

1-33 (1) "Harass" means to engage in a pattern of conduct
1-34 directed at a particular person or group of persons that is intended
1-35 to cause the person or group to:

1-36 (A) fear for the person's or group's safety; or

1-37 (B) experience substantial emotional distress.

1-38 (2) "Intimidate" means to engage in conduct that is
1-39 intended to cause another person or group of persons, out of fear
1-40 for the person's or group's safety, to take, or refrain from taking,
1-41 certain actions.

1-42 (3) "Mask or other headgear" means any article or
1-43 device worn on a person's head that tends to conceal the identity
1-44 of, or substantially increase the difficulty in identifying, the
1-45 person wearing the article or device.

1-46 (4) "Threaten" means to communicate a clear intention
1-47 to cause imminent bodily injury or death to a person.

1-48 (b) A person commits an offense if the person, while wearing
1-49 a mask or other headgear for the purpose of concealing the identity
1-50 of the person or substantially increasing the difficulty in
1-51 identifying the person, intentionally harasses, intimidates, or
1-52 threatens another person or group of persons in a public place.

1-53 (c) An offense under this section is a Class B misdemeanor.

1-54 (d) It is an affirmative defense to prosecution under this
1-55 section that the mask or other headgear is worn primarily:

1-56 (1) to celebrate a holiday or participate in a
1-57 celebration at which a mask or other headgear is commonly worn,
1-58 including Halloween or a masquerade ball;

1-59 (2) to ensure physical safety while engaged in an
1-60 occupation, trade, or profession;

(3) to ensure protection from the weather or while participating in a winter sport;

(4) for purposes of a theatrical production or other artistic endeavor;

(5) for purposes of ensuring safety during an emergency, including while participating in an emergency drill;

(6) to protect a person's health or ensure that the person does not spread illness; or

(7) for any religious purpose.

(e) If conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section or both sections.

SECTION 2. This Act takes effect September 1, 2025.

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