

AN ACT

relating to the prosecution of the offense of improper photography or visual recording.

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

SECTION 1. Section 21.15, Penal Code, is amended by amending Subsection (b) and adding Subsection (e) to read as follows:

(b) A person commits an offense if the person:

(1) photographs or by videotape or other electronic means ~~visually~~ records, broadcasts, or transmits a visual image of another at a location that is not a bathroom or private dressing room:

(A) without the other person's consent; and

(B) with intent to arouse or gratify the sexual desire of any person;

(2) photographs or by videotape or other electronic means records, broadcasts, or transmits a visual image of another at a location that is a bathroom or private dressing room:

(A) without the other person's consent; and

(B) with intent to:

(i) invade the privacy of the other person;

or

(ii) arouse or gratify the sexual desire of

any person; or

1 (3) [~~(2)~~] knowing the character and content of the
2 photograph, ~~[or]~~ recording, broadcast, or transmission, promotes a
3 photograph, ~~[or visual]~~ recording, broadcast, or transmission
4 described by Subdivision (1) or (2).

5 (e) For purposes of Subsection (b)(2), a sign or signs
6 posted indicating that the person is being photographed or that a
7 visual image of the person is being recorded, broadcast, or
8 transmitted is not sufficient to establish the person's consent
9 under that subdivision.

10 SECTION 2. The change in law made by this Act applies only
11 to an offense committed on or after the effective date of this Act.
12 An offense committed before the effective date of this Act is
13 governed by the law in effect when the offense was committed, and
14 the former law is continued in effect for that purpose. For the
15 purposes of this section, an offense is committed before the
16 effective date of this Act if any element of the offense was
17 committed before that date.

18 SECTION 3. This Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I certify that H.B. No. 1804 was passed by the House on April 25, 2007, by the following vote: Yeas 142, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1804 was passed by the Senate on May 18, 2007, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor