

By: Davis of Dallas

H.B. No. 3510

A BILL TO BE ENTITLED

AN ACT

relating to the publication of an image that depicts an individual without the individual's consent; imposing civil penalties.

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

SECTION 1. Subtitle C, Title 5, Business & Commerce Code, is amended by adding Chapter 111 to read as follows:

CHAPTER 111. PUBLICATION OF CERTAIN IMAGES

Sec. 111.001. DEFINITION. In this chapter, "unauthorized image" means an image that depicts an individual who has not consented to the capture or publication of the image.

Sec. 111.002. APPLICABILITY OF CHAPTER. This chapter does not apply to the publication of an image by a bona fide member of the news media or of law enforcement when acting in that capacity.

Sec. 111.003. PUBLICATION OF UNAUTHORIZED IMAGE PROHIBITED. A person may not publish an unauthorized image on the Internet.

Sec. 111.004. REQUEST FOR REMOVAL OF UNAUTHORIZED IMAGE. A business entity that owns or operates an Internet website and receives a request from an individual who is depicted in an unauthorized image for removal of the unauthorized image from the Internet website shall remove the image not more than 48 hours after the business entity receives the request.

Sec. 111.005. CIVIL PENALTY; INJUNCTION. (a) A business entity that violates Section 111.004 is liable to the state for a

1 civil penalty in an amount not to exceed \$200.

2 (b) The attorney general or an appropriate local
3 prosecuting attorney may sue to collect a civil penalty under this
4 section.

5 (c) If the attorney general brings the suit, the penalty
6 shall be deposited in the state treasury to the credit of the
7 general revenue fund. If a local prosecuting attorney brings the
8 suit, the penalty shall be deposited in the general fund of the
9 county in which the violation occurred.

10 (d) The attorney general may bring an action in the name of
11 the state to restrain or enjoin a violation or threatened violation
12 of this chapter.

13 SECTION 2. Chapter 111, Business & Commerce Code, as added
14 by this Act, applies to any publication of an image that occurs on
15 or after the effective date of this Act, regardless of whether the
16 information was initially published before that date.

17 SECTION 3. This Act takes effect September 1, 2015.