

By: Guillen

H.B. No. 101

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the offense of unlawful disclosure of certain visual material.

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

SECTION 1. Chapter 21, Penal Code, is amended by adding Section 21.16 to read as follows:

Sec. 21.16. UNLAWFUL DISCLOSURE OF CERTAIN VISUAL MATERIAL.

(a) In this section:

(1) "Sexual conduct" has the meaning assigned by Section 43.25.

(2) "Visual material" has the meaning assigned by Section 43.26.

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

(1) intentionally displays, distributes, publishes, advertises, offers, or otherwise discloses visual material depicting another person engaged in sexual conduct; and

(2) knows or should have known that the depicted person has not consented to the disclosure.

(c) It is a defense to prosecution under this section that:

(1) the disclosure is made in the course of:

(A) lawful and common practices of law enforcement or medical treatment;

(B) reporting unlawful activity; or

(C) a legal proceeding, if the disclosure was

1 permitted or required by law;

2 (2) the disclosure consists of visual material  
3 depicting only a voluntary exposure of sexual conduct in a public or  
4 commercial setting; or

5 (3) the actor is an interactive computer service, as  
6 defined by 47 U.S.C. Section 230, or a provider of an information  
7 service, as defined by 47 U.S.C. Section 153, and the disclosure  
8 consisted of visual material provided by another person.

9 (d) An offense under this section is a state jail felony.

10 SECTION 2. This Act takes effect September 1, 2015.