

BILL ANALYSIS

C.S.H.B. 207
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

According to recent studies, voyeurism is a type of behavior that serves as a common gateway offense that may lead to other, more violent sexual offenses. Many concerned observers contend that the conduct constituting an offense of voyeurism is currently classified as an inadequately serious offense. These observers also note that many acts of voyeurism are carried out by repeat offenders. C.S.H.B. 207 seeks to address these concerns.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 207 amends the Penal Code to create the Class C misdemeanor offense of voyeurism for a person who, with the intent to arouse or gratify the sexual desire of the actor, observes another person without the other person's consent while the other person is in a dwelling or structure in which the other person has a reasonable expectation of privacy. The bill enhances the penalty to a Class B misdemeanor if it is shown on the trial of the offense that the actor has previously been convicted two or more times of a voyeurism offense and to a state jail felony if the victim was a child younger than 14 years of age at the time of the offense. The bill establishes that if conduct constituting the voyeurism offense also constitutes an offense under any other law, the actor may be prosecuted under either law or both laws.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 207 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

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

Sec. 21.16. VOYEURISM. (a) A person commits an offense if, with the intent to arouse or gratify the sexual desire of the actor or to degrade or abuse any person, the actor observes another person without the other person's consent while the other person is in a dwelling, structure, or conveyance in which the other person has a reasonable expectation of privacy.

(b) Except as provided by Subsection (c) or (d), an offense under this section is a Class C misdemeanor.

(c) An offense under this section is a Class B misdemeanor if it is shown on the trial of the offense that the actor has previously been convicted two or more times of an offense under this section.

(d) An offense under this section is a state jail felony if the victim was a child younger than 14 years of age at the time of the offense.

(e) If conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

(f) In this section, "conveyance" includes any motor vehicle, ship, vessel, railroad vehicle or car, trailer, aircraft, or sleeping car.

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

HOUSE COMMITTEE SUBSTITUTE

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

Sec. 21.16. VOYEURISM. (a) A person commits an offense if the person, with the intent to arouse or gratify the sexual desire of the actor, observes another person without the other person's consent while the other person is in a dwelling or structure in which the other person has a reasonable expectation of privacy.

(b) Except as provided by Subsection (c) or (d), an offense under this section is a Class C misdemeanor.

(c) An offense under this section is a Class B misdemeanor if it is shown on the trial of the offense that the actor has previously been convicted two or more times of an offense under this section.

(d) An offense under this section is a state jail felony if the victim was a child younger than 14 years of age at the time of the offense.

(e) If conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

SECTION 2. Same as introduced version.