

BILL ANALYSIS

Senate Research Center
78R7482 KEL-D

H.B. 12
By: Keel (Armbrister)
Criminal Justice
5/22/2003
Engrossed

DIGEST AND PURPOSE

Currently, there is no law that specifically addresses peeping activity in public facilities such as restrooms, changing areas, or shower stalls. For example, if a person is using a public toilet, and realizes that someone is peeping, there is no specific violation with which to charge the perpetrator. When the suspect is identified, officers typically file a charge under Section 42.01(a)(2), Penal Code. However, this statute addresses offensive gestures, not peeping activity. Sections 42.01(a)(7) and (8) likewise do not apply because the conduct must be committed by the perpetrator while looking into a dwelling, hotel, or other similar establishment. Consequently, a charge which cites any of these sections may not be accepted by a judge. H.B. 12 provides that it is a criminal offense for a person looking into a public restroom, dressing room, shower stall, or similar area for a lewd or unlawful purpose.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 42.01(a), (d), and (e), Penal Code, as follows:

- (a) Provides that a person commits an offense if he intentionally or knowingly performs certain acts of disorderly conduct. Makes conforming changes.
- (d) Provides that an offense under this section is a Class C misdemeanor unless committed under Subsection (a)(7) or (a)(8), in which event it is a Class B misdemeanor.
- (e) Makes a conforming change.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2003.