Chapter 1354

H.B. No. 98

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- 2 relating to civil and criminal liability for the unlawful
- 3 disclosure of intimate visual material.
- 4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
- 5 SECTION 1. Section 98B.002(a), Civil Practice and Remedies
- 6 Code, is amended to read as follows:
- 7 (a) A defendant is liable, as provided by this chapter, to a
- 8 person depicted in intimate visual material for damages arising
- 9 from the disclosure of the material if:
- 10 (1) the defendant discloses the intimate visual
- 11 material without the effective consent of the depicted person and
- 12 with the intent to harm that person;
- 13 (2) at the time of the disclosure, the defendant knows
- 14 or has reason to believe that the intimate visual material was
- 15 obtained by the defendant or created under circumstances in which
- 16 the depicted person had a reasonable expectation that the material
- 17 would remain private;
- 18 (3) the disclosure of the intimate visual material
- 19 causes harm to the depicted person; and
- 20 (4) the disclosure of the intimate visual material
- 21 reveals the identity of the depicted person in any manner,
- 22 including through:
- (A) any accompanying or subsequent information
- 24 or material related to the intimate visual material; or

- 1 (B) information or material provided by a third
- 2 party in response to the disclosure of the intimate visual
- 3 material.
- 4 SECTION 2. Section 21.16(b), Penal Code, is amended to read
- 5 as follows:
- 6 (b) A person commits an offense if:
- 7 (1) without the effective consent of the depicted
- 8 person and with the intent to harm that person, the person
- 9 [intentionally] discloses visual material depicting another person
- 10 with the person's intimate parts exposed or engaged in sexual
- 11 conduct;
- 12 (2) at the time of the disclosure, the person knows or
- 13 has reason to believe that the visual material was obtained by the
- 14 person or created under circumstances in which the depicted person
- 15 had a reasonable expectation that the visual material would remain
- 16 private;
- 17 (3) the disclosure of the visual material causes harm
- 18 to the depicted person; and
- 19 (4) the disclosure of the visual material reveals the
- 20 identity of the depicted person in any manner, including through:
- 21 (A) any accompanying or subsequent information
- 22 or material related to the visual material; or
- 23 (B) information or material provided by a third
- 24 party in response to the disclosure of the visual material.
- 25 SECTION 3. (a) Section 98B.002, Civil Practice and
- 26 Remedies Code, as amended by this Act, applies only to a cause of
- 27 action that accrues on or after the effective date of this Act. A

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- 1 cause of action that accrues before the effective date of this Act
- 2 is governed by the law applicable to the cause of action immediately
- 3 before the effective date of this Act, and that law is continued in
- 4 effect for that purpose.
- 5 (b) Section 21.16, Penal Code, as amended by this Act,
- 6 applies only to an offense committed on or after the effective date
- 7 of this Act. An offense committed before the effective date of this
- 8 Act is governed by the law in effect on the date the offense was
- 9 committed, and the former law is continued in effect for that
- 10 purpose. For purposes of this subsection, an offense was committed
- 11 before the effective date of this Act if any element of the offense
- 12 was committed before that date.
- SECTION 4. This Act takes effect September 1, 2019.

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rysident of the Senate

Speaker of the House

I certify that H.B. No. 98 was passed by the House on April 25, 2019, by the following vote: Yeas 136, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 98 was passed by the Senate on May 19, 2019, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED:

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Governor

FILED IN THE OFFICE OF THE SECRETARY OF STATE 4:45 PM O'CLOCK

UN 1 5 2019

Secretary of State