

Texas State Law Library

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Recording Laws

Information about Texas and federal laws that regulate surveillance, electronic monitoring, and recording.

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Visual Recording Crimes

Chapter 21 <<https://statutes.capitol.texas.gov/Docs/PE/htm/PE.21.htm>> of the Texas Penal Code lists several criminal sexual offenses related to video recordings:

- **Invasive visual recording.** Section 21.15 prohibits a person from photographing or videotaping in areas like bathrooms, changing rooms, and areas where a person has a reasonable expectation of privacy.
- **Unlawful disclosure or promotion of intimate visual material.** Section 21.16 prohibits a person from disclosing private photos or videos depicting nudity or sexual conduct without the subject's effective consent. This is known as the "revenge porn" law.
- **Unlawful production or distribution of certain sexually explicit videos.** Section 21.165 makes producing or distributing sexual "deep fake" videos a criminal offense.
- **Voyeurism.** Section 21.17 prohibits observing another person without their consent in a place where they have a reasonable expectation of privacy. This includes using electronic methods. These types of laws are often called "peeping tom" laws.
- **Sexual coercion.** Section 21.18 prohibits a person from making threats to obtain intimate visual material or sexual acts.
- **Unlawful electronic transmission of sexually explicit visual material.** Section 21.19 prohibits sending a person electronic visual material of a sexual nature without the recipient's consent.

Texas Laws

- Section 21.15 of the Texas Penal Code
State law that outlines the criminal offense of invasive visual recording.
- Section 21.16 of the Texas Penal Code
This Texas law prohibits sharing intimate material without the subject's consent. Often called the "revenge porn" law.
- Section 21.17 of the Texas Penal Code
State law governing the criminal offense of voyeurism.
- Section 21.165 of the Texas Penal Code
This Texas law prohibits creating or distributing "deep fake" videos involving nudity or sexual content.
- Section 21.18 of the Texas Penal Code
This Texas law prohibits coercing a person to engage in sex or provide sexual materials.
- Section 21.19 of the Texas Penal Code.
This Texas law prohibits sending a person electronic visual material of a sexual nature without the recipient's consent.

Recording in Public Places

Understanding the Law

- **Your Right to Film**
This article from ACLU Texas discusses your rights to film or photograph in public places and what to do if you are asked to stop or are detained by law enforcement.
- **Recording Police Officers and Public Officials**
This article from the Digital Media Law Project discusses First Amendment protections when it comes to filming or recording public officials or law enforcement.

Neighbors & Security Cameras

When neighbors install security cameras around their property, there may be a concern from the neighbors around them that their privacy may be invaded. Below are some resources that discuss what you can do to try and resolve the situation with your neighbor.

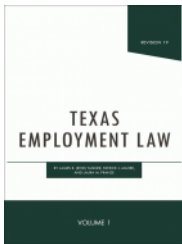
Understanding the Law

- **Can my neighbor legally point a security camera at my property?**
This article from Nolo Press discusses the issue of a neighbor's surveillance camera pointed at your property.
- **Video Voyeurism and Surveillance**
Created by VMS solutions, a company that facilitates video monitoring, this article discusses the difference between video voyeurism and cameras used for surveillance purposes. It also outlines things to consider when installing surveillance cameras. *This site is available through the Internet Archive and is no longer being updated. Please check any information on this site for accuracy and completeness.*

Employer Surveillance

Understanding the Law

- **Workplace Privacy and Employee Monitoring**
This fact sheet from the Privacy Rights Clearinghouse goes into some detail about video surveillance in the workplace.
- **Electronic Monitoring in the Workplace**
This article from the National Workrights Institute provides a discussion of employee monitoring in the workplace and common law and statutory protections.
- **Video Surveillance**
This webpage from the Texas Workforce Commission provides a basic guideline for video surveillance in the workplace.
- **Employee Monitoring**
This article from the State Bar of Texas discusses technological and legal developments regarding employee monitoring.



Texas employment law



Chapter 28 discusses various aspects of privacy in the workplace including electronic surveillance.

Electronic Monitoring at Nursing Facilities

Texas Laws

- **Texas Health and Safety Code, Chapter 242, Subchapter R**
State law governing when authorized electronic monitoring may be requested at a convalescent facility, nursing facility or related institution and who must consent to the recording.

Understanding the Law

- **Information Regarding Authorized Electronic Monitoring for Nursing Facilities**
Information from Texas Health & Human Services regarding authorized electronic monitoring of nursing facilities and related institutions.

Electronic Monitoring in Schools

Texas Laws

- Section 29.022 of the Texas Education Code
State law requiring districts to conduct video and audio surveillance of certain special education classrooms or settings upon request.

Understanding the Law

- Update on Video Cameras in Special Education Classrooms
A 2019 article from the Texas Association of School Boards providing guidance and answers to common questions on video and audio surveillance in special education classrooms.
- Recording Devices in Schools
This 2018 presentation at the National School Boards Association's School Law Seminar discusses the topics of student privacy and technology.
- Cameras in the Classroom
This article from the Association of Texas Professional Educators discusses the general rules regarding cameras in the classroom.

Note The library cannot tell you what the law means for your situation.



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Subjects: Criminal Law **Tags:** advance directive, phone tapping, privacy, recording, recording conversations, red light camera, surveillance, traffic camera, traffic signal cameras