

BILL ANALYSIS

Senate Research Center
89R22394 JCG-D

C.S.S.B. 2595
By: Middleton
State Affairs
4/14/2025
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In response to growing concerns about masked individuals harassing or threatening others in public spaces, S.B. 2595 establishes a new criminal offense for engaging in such conduct while concealing one's identity. Current law does not specifically address the use of masks in this context, limiting law enforcement's ability to intervene. This legislation creates a new offense targeting individuals who conceal their identity in public while preserving legitimate uses of masks.

(Original Author's/Sponsor's Statement of Intent).

C.S.S.B. 2595 amends current law relating to the creation of the criminal offense of harassing, intimidating, or threatening another person while concealing identity with a mask or other headgear.

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 Chapter 42, Penal Code, by adding Section 42.16, as follows:

Sec. 42.16. HARASSING, INTIMIDATING, OR THREATENING PERSON WHILE CONCEALING IDENTITY WITH MASK OR OTHER HEADGEAR. (a) Defines "harass," "intimidate," "mask or other headgear," and "threaten."

(b) Provides that a person commits an offense if the person, while wearing a mask or other headgear for the purpose of concealing the identity of the person or substantially increasing the difficulty in identifying the person, intentionally harasses, intimidates, or threatens another person or group of persons in a public place.

(c) Provides that an offense under this section is a Class B misdemeanor.

(d) Provides that it is an affirmative defense to prosecution under this section that the mask or other headgear is worn primarily:

(1) to celebrate a holiday or participate in a celebration at which a mask or other headgear is commonly worn, including Halloween or a masquerade ball;

(2) to ensure physical safety while engaged in an occupation, trade, or profession;

(3) to ensure protection from the weather or while participating in a winter sport;

- (4) for purposes of a theatrical production or other artistic endeavor;
- (5) for purposes of ensuring safety during an emergency, including while participating in an emergency drill;
- (6) to protect a person's health or ensure that the person does not spread illness; or
- (7) for any religious purpose.

(e) Authorizes the actor, if conduct constituting an offense under this section also constitutes an offense under another section of this code, to be prosecuted under either section or both sections.

SECTION 2. Effective date: September 1, 2025.