

Stop Street Harassment

Texas

A variety of forms of street harassment are illegal in Texas, including verbal harassment, up-skirt photos, indecent exposure, following, and groping. Here are the laws and reporting procedures you need to know.

Verbal Harassment

There are two laws that you can use to report verbal harassment in public places in Texas.

Disorderly Conduct

[Texas Penal Code §42.1](#)

It is illegal for anyone to:

- Intentionally use abusive, indecent, profane, or vulgar language.
- Make an offensive gesture in a public place if it incites a breach of the peace.
- Make unreasonable noise in a public place or abuse or threaten someone in an obviously offensive manner.

If a harasser is using sexually explicit language, making sexual gestures, using profanity against you, or abusive language, or if the person is making a lot of noise or directly threatening you, you can report him/her.

A breach of the peace usually means a violent reaction to the abusive, indecent, or profane language. This law may be interpreted as a “[fighting words](#)” law. Since street harassment rarely results in the harassed person fighting back, these laws usually have not been used to address street harassment. But you can still try using it, and if enough people make a case for why it should be used, then it might be applied more often.

Penalty: Disorderly conduct is a Class C misdemeanor, punishable by a fine of up to \$500.

Prostitution

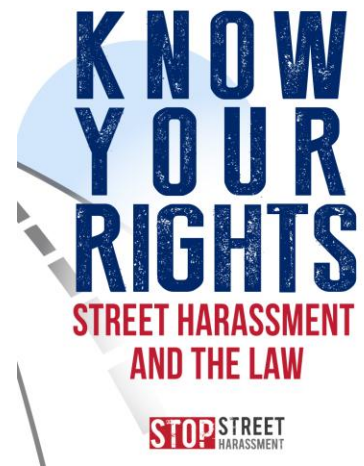
[Texas Penal Code §43.2](#)

It is illegal in Texas for anyone to solicit another person to engage with him or her in some kind of paid sexual conduct in a public place. If a street harasser solicits sexual activity from you, you can report him/her.

You can also make the case that harassers who yell, “How much?!” or offer you money, or anything else, for sex, even in jest, are soliciting prostitution.

Stop Street Harassment doesn’t oppose consensual sex work, but we do think it’s inappropriate for a street harasser to make assumptions about your sexual availability and make you feel uncomfortable.

Penalty: Prostitution is a Class B misdemeanor, punishable by a jail term of up to 180 days, a fine of up to \$2,000, or both. There can be a more severe penalty if the harasser is a repeat offender.



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Unlawful Filming/Photographing

Improper Photography or Visual Recording

[Texas Penal Code §21.15](#)

In Texas, it is illegal for a person to photograph or record a non-consenting person in bathrooms or a private dressing room. If a harasser films or photographs you someplace like public restrooms, dressing rooms, locker rooms, and hotel rooms, you can report him/her.

It is also illegal for anyone to photograph or record a non-consenting person in general, with the purpose of arousing or gratifying the sexual desire of themselves or someone else with the photograph or film.

- While the law does not specify examples of places, it may be broad enough to incorporate all public places.
- For example, if someone takes an up-skirt or down-blouse photo of you for the purpose of arousing his/her sexual gratification, you can try reporting him/her.

Penalty: Improper photography or visual recording is a felony that can result in jail time.

Indecent Exposure

Disorderly Conduct

[Title 9, Chapter 42, §1](#)

Texas' law against disorderly conduct covers not only abusive or indecent language, but also some forms of indecent exposure. A person commits disorderly conduct laws if s/he exposes his or her "anus or genitals" in a public place.

If a harasser flashes you, moons you, or otherwise exposes him or herself to you in a public place, such as a park, on public transportation, or in a store, you can report that person.

Penalty: Disorderly conduct is a Class C misdemeanor, punishable by a fine of up to \$500.

Indecent Exposure

[Texas Penal Code §21.8](#)

Someone exposing his or her genitals or buttocks with the intent of arousing or gratifying sexual desire, while in front of another person and without consent, is illegal if it makes the person feel offended or alarmed.

If a street harasser exposes her or himself to you in a particularly alarming, offensive, or threatening way, you can report that person.

Penalty: Indecent exposure is a Class B misdemeanor, punishable by a jail term of up to 180 days, a fine of up to \$2,000, or both.

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Public Lewdness

[Texas Penal Code §21.7](#)

It is illegal in Texas for anyone to engage in sexual acts in a public place, including all sexual contact.

If a harasser masturbates in front of you or engages in some other inappropriate sexual activity, you can report him/her.

Penalty: Public lewdness is a Class A misdemeanor, punishable by a jail term of up to one year, a fine of up to \$4,000, or both.

Following

If you think someone is following you, you can call 911 right away, the first time it happens. You do not have to wait for that person to commit a crime.

Stalking

[Texas Penal Code §42.72](#)

In Texas, it is illegal for anyone to engage in a course of conduct (at least twice) against a person knowing that their conduct will make him/her feel threatened and fearful of bodily injury – or worse. This includes following someone.

If the same person, on more than one occasion, follows you or harasses you and you feel threatened and unsafe, you can report that person.

Penalty: Stalking is a felony of the third degree, punishable by two to ten years in prison and/or a fine of up to \$10,000. But the Penalty may be more severe for several reasons, including if the person previously has been convicted of stalking or a similar crime.

Groping

Assault by Contact

[Texas Penal Code §22.1](#)

In Texas, it is illegal for anyone to intentionally or knowingly touch another person in a way that s/he knows that person will regard as offensive or provocative.

If a harasser grabs or touches you in an offensive way on the street, in a park, on a bus, or some other public place, you can report him/her.

Penalty: Assault by contact is a Class A misdemeanor, punishable by a jail term of up to one year, a fine of up to \$4,000, or both.

Indecency with a Child

[Texas Penal Code §21.11](#)

It is illegal for anyone to make sexual contact with a child younger than 17 years old, including touching a child inappropriately or making the child touch him or her inappropriately, over or under clothing.

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If you are or someone you care for is under 17 years old and a harasser grabs or touches you in a sexual way, or him or her, on the street, in a park, or on a bus, you can report that person.

Penalty: Indecency with a child is a felony in the second degree, punishable by a prison term of two to twenty years and a fine of up to \$10,000.

Reporting Crimes to the Police

- Call 911 for help if:
 - The crime is in progress
 - You or someone else is physically hurt or have been threatened with physical violence
 - You can provide information about who may have committed a crime.
- Call the local police office's non-emergency number to submit a report afterward. For example, this number is (713) 884-3131 in Houston, (512) 974-5750 in Austin, and (817) 335-4222 in Fort Worth. Be prepared to provide them with:
 - When it happened (date and time).
 - Where it happened (street location, store location, bus line or bus stop, park name, etc).
 - Who is reporting (your name, contact information).
 - A description of what happened.
 - The name and contact information of witnesses, if you spoke to any.
 - It can be helpful to include the law the crime falls under, such as Voyeurism, Title 76, Chapter 9, Section 702.2. If you're not sure which law you should use to report an incident of street harassment, just tell the police what happened and s/he or the district attorney's office can determine the appropriate charges.
 - A description of the harasser/s.
- Many police departments also have online reporting forms, for example, the Austin Police Department has an [iReport online form](#).
- Some police departments also allow you to anonymously send a tip about a non-emergency incident, for example if you see a group of people routinely harassing passersby at the same location. Visit your local police department website for information.
 - In San Antonio, you can send a secure and [anonymous tip online](#) or by using the keyword "SATIP" to "TIP411" (847411).
 - In Dallas, you can call (877) 373-8477 to make an anonymous tip.
- Once you've reported a crime, if you've provided your contact information, within a few days, you will receive a call with a police report case number and may have to answer follow-up questions. Save a copy of the police report for your records.

If someone tries to tell you that street harassment "isn't a big deal," or isn't illegal, don't buy it. You always have the right to be free from sexual harassment and assault in public.