

1-1 By: Hull, et al. (Senate Sponsor - Alvarado) H.B. No. 2715  
1-2 (In the Senate - Received from the House May 8, 2023;  
1-3 May 12, 2023, read first time and referred to Committee on Criminal  
1-4 Justice; May 19, 2023, reported favorably by the following vote:  
1-5 Yeas 7, Nays 0; May 19, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Whitmire	X		
1-9	Flores	X		
1-10	Bettencourt	X		
1-11	Hinojosa	X		
1-12	Huffman	X		
1-13	King	X		
1-14	Miles	X		

1-15 A BILL TO BE ENTITLED  
1-16 AN ACT

1-17 relating to a prohibition on following an individual and tracking  
1-18 or monitoring the individual's personal property or motor vehicle  
1-19 and to the criminal prosecution of that conduct.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Article 7B.005(a), Code of Criminal Procedure,  
1-22 is amended to read as follows:

1-23 (a) In a protective order issued under this subchapter, the  
1-24 court may:

1-25 (1) order the alleged offender to take action as  
1-26 specified by the court that the court determines is necessary or  
1-27 appropriate to prevent or reduce the likelihood of future harm to  
1-28 the applicant or a member of the applicant's family or household; or

1-29 (2) prohibit the alleged offender from:

1-30 (A) communicating:

1-31 (i) directly or indirectly with the  
1-32 applicant or any member of the applicant's family or household in a  
1-33 threatening or harassing manner; or

1-34 (ii) in any manner with the applicant or any  
1-35 member of the applicant's family or household except through the  
1-36 applicant's attorney or a person appointed by the court, if the  
1-37 court finds good cause for the prohibition;

1-38 (B) going to or near the residence, place of  
1-39 employment or business, or child-care facility or school of the  
1-40 applicant or any member of the applicant's family or household;

1-41 (C) engaging in conduct directed specifically  
1-42 toward the applicant or any member of the applicant's family or  
1-43 household, including following the person, that is reasonably  
1-44 likely to harass, annoy, alarm, abuse, torment, or embarrass the  
1-45 person; ~~and~~

1-46 (D) possessing a firearm, unless the alleged  
1-47 offender is a peace officer, as defined by Section 1.07, Penal Code,  
1-48 actively engaged in employment as a sworn, full-time paid employee  
1-49 of a state agency or political subdivision; and

1-50 (E) tracking or monitoring personal property or a  
1-51 motor vehicle in the possession of the applicant or of a member of  
1-52 the applicant's family or household, without the applicant's  
1-53 effective consent, including by:

1-54 (i) using a tracking application on a  
1-55 personal electronic device in the possession of the applicant or  
1-56 the family or household member or using a tracking device; or

1-57 (ii) physically following the applicant or  
1-58 the family or household member or causing another to physically  
1-59 follow the applicant or member.

1-60 SECTION 2. Article 17.292(c), Code of Criminal Procedure,  
1-61 is amended to read as follows:

2-1 (c) The magistrate in the order for emergency protection may  
2-2 prohibit the arrested party from:  
2-3 (1) committing:  
2-4 (A) family violence or an assault on the person  
2-5 protected under the order; or  
2-6 (B) an act in furtherance of an offense under  
2-7 Section 20A.02 or 42.072, Penal Code;  
2-8 (2) communicating:  
2-9 (A) directly with a member of the family or  
2-10 household or with the person protected under the order in a  
2-11 threatening or harassing manner;  
2-12 (B) a threat through any person to a member of the  
2-13 family or household or to the person protected under the order; or  
2-14 (C) if the magistrate finds good cause, in any  
2-15 manner with a person protected under the order or a member of the  
2-16 family or household of a person protected under the order, except  
2-17 through the party's attorney or a person appointed by the court;  
2-18 (3) going to or near:  
2-19 (A) the residence, place of employment, or  
2-20 business of a member of the family or household or of the person  
2-21 protected under the order; or  
2-22 (B) the residence, child care facility, or school  
2-23 where a child protected under the order resides or attends; ~~or~~  
2-24 (4) possessing a firearm, unless the person is a peace  
2-25 officer, as defined by Section 1.07, Penal Code, actively engaged  
2-26 in employment as a sworn, full-time paid employee of a state agency  
2-27 or political subdivision; or  
2-28 (5) tracking or monitoring personal property or a  
2-29 motor vehicle in the possession of the person protected under the  
2-30 order or of a member of the family or household of the person  
2-31 protected under the order, without the protected person's effective  
2-32 consent, including by:  
2-33 (A) using a tracking application on a personal  
2-34 electronic device in the possession of the person or the family or  
2-35 household member or using a tracking device; or  
2-36 (B) physically following the person or the family  
2-37 or household member or causing another to physically follow the  
2-38 person or member.  
2-39 SECTION 3. Article 17.49(b), Code of Criminal Procedure, is  
2-40 amended to read as follows:  
2-41 (b) A magistrate may require as a condition of release on  
2-42 bond that a defendant charged with an offense involving family  
2-43 violence:  
2-44 (1) refrain from going to or near a residence, school,  
2-45 place of employment, or other location, as specifically described  
2-46 in the bond, frequented by an alleged victim of the offense;  
2-47 (2) carry or wear a global positioning monitoring  
2-48 system device and, except as provided by Subsection (h), pay a  
2-49 reimbursement fee for the costs associated with operating that  
2-50 system in relation to the defendant; ~~or~~  
2-51 (3) except as provided by Subsection (h), if the  
2-52 alleged victim of the offense consents after receiving the  
2-53 information described by Subsection (d), pay a reimbursement fee  
2-54 for the costs associated with providing the victim with an  
2-55 electronic receptor device that:  
2-56 (A) is capable of receiving the global  
2-57 positioning monitoring system information from the device carried  
2-58 or worn by the defendant; and  
2-59 (B) notifies the victim if the defendant is at or  
2-60 near a location that the defendant has been ordered to refrain from  
2-61 going to or near under Subdivision (1); or  
2-62 (4) refrain from tracking or monitoring personal  
2-63 property or a motor vehicle in the possession of the alleged victim  
2-64 of the offense, without the victim's effective consent, including  
2-65 by:  
2-66 (A) using a tracking application on a personal  
2-67 electronic device in the possession of the victim or using a  
2-68 tracking device; or  
2-69 (B) physically following the victim or causing

3-1 another to physically follow the victim.

3-2 SECTION 4. Section 6.501(a), Family Code, is amended to  
3-3 read as follows:

3-4 (a) After the filing of a suit for dissolution of a  
3-5 marriage, on the motion of a party or on the court's own motion, the  
3-6 court may grant a temporary restraining order without notice to the  
3-7 adverse party for the preservation of the property and for the  
3-8 protection of the parties as necessary, including an order  
3-9 prohibiting one or both parties from:

3-10 (1) intentionally communicating in person or in any  
3-11 other manner, including by telephone or another electronic voice  
3-12 transmission, video chat, in writing, or electronic messaging, with  
3-13 the other party by use of vulgar, profane, obscene, or indecent  
3-14 language or in a coarse or offensive manner, with intent to annoy or  
3-15 alarm the other party;

3-16 (2) threatening the other party in person or in any  
3-17 other manner, including by telephone or another electronic voice  
3-18 transmission, video chat, in writing, or electronic messaging, to  
3-19 take unlawful action against any person, intending by this action  
3-20 to annoy or alarm the other party;

3-21 (3) placing a telephone call, anonymously, at an  
3-22 unreasonable hour, in an offensive and repetitious manner, or  
3-23 without a legitimate purpose of communication with the intent to  
3-24 annoy or alarm the other party;

3-25 (4) intentionally, knowingly, or recklessly causing  
3-26 bodily injury to the other party or to a child of either party;

3-27 (5) threatening the other party or a child of either  
3-28 party with imminent bodily injury;

3-29 (6) intentionally, knowingly, or recklessly  
3-30 destroying, removing, concealing, encumbering, transferring, or  
3-31 otherwise harming or reducing the value of the property of the  
3-32 parties or either party with intent to obstruct the authority of the  
3-33 court to order a division of the estate of the parties in a manner  
3-34 that the court deems just and right, having due regard for the  
3-35 rights of each party and any children of the marriage;

3-36 (7) intentionally falsifying a writing or record,  
3-37 including an electronic record, relating to the property of either  
3-38 party;

3-39 (8) intentionally misrepresenting or refusing to  
3-40 disclose to the other party or to the court, on proper request, the  
3-41 existence, amount, or location of any tangible or intellectual  
3-42 property of the parties or either party, including electronically  
3-43 stored or recorded information;

3-44 (9) intentionally or knowingly damaging or destroying  
3-45 the tangible or intellectual property of the parties or either  
3-46 party, including electronically stored or recorded information;

3-47 (10) intentionally or knowingly tampering with the  
3-48 tangible or intellectual property of the parties or either party,  
3-49 including electronically stored or recorded information, and  
3-50 causing pecuniary loss or substantial inconvenience to the other  
3-51 party;

3-52 (11) except as specifically authorized by the court:

3-53 (A) selling, transferring, assigning,  
3-54 mortgaging, encumbering, or in any other manner alienating any of  
3-55 the property of the parties or either party, regardless of whether  
3-56 the property is:

3-57 (i) personal property, real property, or  
3-58 intellectual property; or

3-59 (ii) separate or community property;

3-60 (B) incurring any debt, other than legal expenses  
3-61 in connection with the suit for dissolution of marriage;

3-62 (C) withdrawing money from any checking or  
3-63 savings account in a financial institution for any purpose;

3-64 (D) spending any money in either party's  
3-65 possession or subject to either party's control for any purpose;

3-66 (E) withdrawing or borrowing money in any manner  
3-67 for any purpose from a retirement, profit sharing, pension, death,  
3-68 or other employee benefit plan, employee savings plan, individual  
3-69 retirement account, or Keogh account of either party; or

4-1 (F) withdrawing or borrowing in any manner all or  
4-2 any part of the cash surrender value of a life insurance policy on  
4-3 the life of either party or a child of the parties;  
4-4 (12) entering any safe deposit box in the name of or  
4-5 subject to the control of the parties or either party, whether  
4-6 individually or jointly with others;  
4-7 (13) changing or in any manner altering the  
4-8 beneficiary designation on any life insurance policy on the life of  
4-9 either party or a child of the parties;  
4-10 (14) canceling, altering, failing to renew or pay  
4-11 premiums on, or in any manner affecting the level of coverage that  
4-12 existed at the time the suit was filed of, any life, casualty,  
4-13 automobile, or health insurance policy insuring the parties'  
4-14 property or persons, including a child of the parties;  
4-15 (15) opening or diverting mail or e-mail or any other  
4-16 electronic communication addressed to the other party;  
4-17 (16) signing or endorsing the other party's name on any  
4-18 negotiable instrument, check, or draft, including a tax refund,  
4-19 insurance payment, and dividend, or attempting to negotiate any  
4-20 negotiable instrument payable to the other party without the  
4-21 personal signature of the other party;  
4-22 (17) taking any action to terminate or limit credit or  
4-23 charge credit cards in the name of the other party;  
4-24 (18) discontinuing or reducing the withholding for  
4-25 federal income taxes from either party's wages or salary;  
4-26 (19) destroying, disposing of, or altering any  
4-27 financial records of the parties, including a canceled check,  
4-28 deposit slip, and other records from a financial institution, a  
4-29 record of credit purchases or cash advances, a tax return, and a  
4-30 financial statement;  
4-31 (20) destroying, disposing of, or altering any e-mail,  
4-32 text message, video message, or chat message or other electronic  
4-33 data or electronically stored information relevant to the subject  
4-34 matter of the suit for dissolution of marriage, regardless of  
4-35 whether the information is stored on a hard drive, in a removable  
4-36 storage device, in cloud storage, or in another electronic storage  
4-37 medium;  
4-38 (21) modifying, changing, or altering the native  
4-39 format or metadata of any electronic data or electronically stored  
4-40 information relevant to the subject matter of the suit for  
4-41 dissolution of marriage, regardless of whether the information is  
4-42 stored on a hard drive, in a removable storage device, in cloud  
4-43 storage, or in another electronic storage medium;  
4-44 (22) deleting any data or content from any social  
4-45 network profile used or created by either party or a child of the  
4-46 parties;  
4-47 (23) using any password or personal identification  
4-48 number to gain access to the other party's e-mail account, bank  
4-49 account, social media account, or any other electronic account;  
4-50 (24) terminating or in any manner affecting the  
4-51 service of water, electricity, gas, telephone, cable television, or  
4-52 any other contractual service, including security, pest control,  
4-53 landscaping, or yard maintenance at the residence of either party,  
4-54 or in any manner attempting to withdraw any deposit paid in  
4-55 connection with any of those services;  
4-56 (25) excluding the other party from the use and  
4-57 enjoyment of a specifically identified residence of the other  
4-58 party; [~~or~~]  
4-59 (26) entering, operating, or exercising control over a  
4-60 motor vehicle in the possession of the other party; or  
4-61 (27) tracking or monitoring personal property or a  
4-62 motor vehicle in the possession of a party, without that party's  
4-63 effective consent, including by:  
4-64 (A) using a tracking application on a personal  
4-65 electronic device in the possession of that party or using a  
4-66 tracking device; or  
4-67 (B) physically following that party or causing  
4-68 another to physically follow that party.  
4-69 SECTION 5. Section 85.022(b), Family Code, is amended to



5-1 read as follows:

5-2 (b) In a protective order, the court may prohibit the person  
5-3 found to have committed family violence from:

5-4 (1) committing family violence;

5-5 (2) communicating:

5-6 (A) directly with a person protected by an order  
5-7 or a member of the family or household of a person protected by an  
5-8 order, in a threatening or harassing manner;

5-9 (B) a threat through any person to a person  
5-10 protected by an order or a member of the family or household of a  
5-11 person protected by an order; and

5-12 (C) if the court finds good cause, in any manner  
5-13 with a person protected by an order or a member of the family or  
5-14 household of a person protected by an order, except through the  
5-15 party's attorney or a person appointed by the court;

5-16 (3) going to or near the residence or place of  
5-17 employment or business of a person protected by an order or a member  
5-18 of the family or household of a person protected by an order;

5-19 (4) going to or near the residence, child-care  
5-20 facility, or school a child protected under the order normally  
5-21 attends or in which the child normally resides;

5-22 (5) engaging in conduct directed specifically toward a  
5-23 person who is a person protected by an order or a member of the  
5-24 family or household of a person protected by an order, including  
5-25 following the person, that is reasonably likely to harass, annoy,  
5-26 alarm, abuse, torment, or embarrass the person;

5-27 (6) possessing a firearm, unless the person is a peace  
5-28 officer, as defined by Section 1.07, Penal Code, actively engaged  
5-29 in employment as a sworn, full-time paid employee of a state agency  
5-30 or political subdivision; ~~and~~

5-31 (7) harming, threatening, or interfering with the  
5-32 care, custody, or control of a pet, companion animal, or assistance  
5-33 animal, as defined by Section 121.002, Human Resources Code, that  
5-34 is possessed by or is in the actual or constructive care of a person  
5-35 protected by an order or by a member of the family or household of a  
5-36 person protected by an order; and

5-37 (8) tracking or monitoring personal property or a  
5-38 motor vehicle in the possession of a person protected by an order or  
5-39 of a member of the family or household of a person protected by an  
5-40 order, without the person's effective consent, including by:

5-41 (A) using a tracking application on a personal  
5-42 electronic device in the possession of the person or the family or  
5-43 household member or using a tracking device; or

5-44 (B) physically following the person or the family  
5-45 or household member or causing another to physically follow the  
5-46 person or member.

5-47 SECTION 6. Section 25.07(a), Penal Code, is amended to read  
5-48 as follows:

5-49 (a) A person commits an offense if, in violation of a  
5-50 condition of bond set in a family violence, sexual assault or abuse,  
5-51 indecent assault, stalking, or trafficking case and related to the  
5-52 safety of a victim or the safety of the community, an order issued  
5-53 under Subchapter A, Chapter 7B, Code of Criminal Procedure, an  
5-54 order issued under Article 17.292, Code of Criminal Procedure, an  
5-55 order issued under Section 6.504, Family Code, Chapter 83, Family  
5-56 Code, if the temporary ex parte order has been served on the person,  
5-57 Chapter 85, Family Code, or Subchapter F, Chapter 261, Family Code,  
5-58 or an order issued by another jurisdiction as provided by Chapter  
5-59 88, Family Code, the person knowingly or intentionally:

5-60 (1) commits family violence or an act in furtherance  
5-61 of an offense under Section 20A.02, 22.011, 22.012, 22.021, or  
5-62 42.072;

5-63 (2) communicates:

5-64 (A) directly with a protected individual or a  
5-65 member of the family or household in a threatening or harassing  
5-66 manner;

5-67 (B) a threat through any person to a protected  
5-68 individual or a member of the family or household; or

5-69 (C) in any manner with the protected individual

6-1 or a member of the family or household except through the person's  
6-2 attorney or a person appointed by the court, if the violation is of  
6-3 an order described by this subsection and the order prohibits any  
6-4 communication with a protected individual or a member of the family  
6-5 or household;

6-6 (3) goes to or near any of the following places as  
6-7 specifically described in the order or condition of bond:

6-8 (A) the residence or place of employment or  
6-9 business of a protected individual or a member of the family or  
6-10 household; or

6-11 (B) any child care facility, residence, or school  
6-12 where a child protected by the order or condition of bond normally  
6-13 resides or attends;

6-14 (4) possesses a firearm;

6-15 (5) harms, threatens, or interferes with the care,  
6-16 custody, or control of a pet, companion animal, or assistance  
6-17 animal that is possessed by a person protected by the order or  
6-18 condition of bond; ~~[or]~~

6-19 (6) removes, attempts to remove, or otherwise tampers  
6-20 with the normal functioning of a global positioning monitoring  
6-21 system; or

6-22 (7) tracks or monitors personal property or a motor  
6-23 vehicle in the possession of a protected individual or of a member  
6-24 of the family or household of a protected individual, without the  
6-25 individual's effective consent, including by:

6-26 (A) using a tracking application on a personal  
6-27 electronic device in the possession of the protected individual or  
6-28 the family or household member or using a tracking device; or

6-29 (B) physically following the protected  
6-30 individual or family or household member or causing another to  
6-31 physically follow the individual or member.

6-32 SECTION 7. Section 42.07, Penal Code, is amended by  
6-33 amending Subsection (a) and adding Subsection (e) to read as  
6-34 follows:

6-35 (a) A person commits an offense if, with intent to harass,  
6-36 annoy, alarm, abuse, torment, or embarrass another, the person:

6-37 (1) initiates communication and in the course of the  
6-38 communication makes a comment, request, suggestion, or proposal  
6-39 that is obscene;

6-40 (2) threatens, in a manner reasonably likely to alarm  
6-41 the person receiving the threat, to inflict bodily injury on the  
6-42 person or to commit a felony against the person, a member of the  
6-43 person's family or household, or the person's property;

6-44 (3) conveys, in a manner reasonably likely to alarm  
6-45 the person receiving the report, a false report, which is known by  
6-46 the conveyor to be false, that another person has suffered death or  
6-47 serious bodily injury;

6-48 (4) causes the telephone of another to ring repeatedly  
6-49 or makes repeated telephone communications anonymously or in a  
6-50 manner reasonably likely to harass, annoy, alarm, abuse, torment,  
6-51 embarrass, or offend another;

6-52 (5) makes a telephone call and intentionally fails to  
6-53 hang up or disengage the connection;

6-54 (6) knowingly permits a telephone under the person's  
6-55 control to be used by another to commit an offense under this  
6-56 section;

6-57 (7) sends repeated electronic communications in a  
6-58 manner reasonably likely to harass, annoy, alarm, abuse, torment,  
6-59 embarrass, or offend another; ~~[or]~~

6-60 (8) publishes on an Internet website, including a  
6-61 social media platform, repeated electronic communications in a  
6-62 manner reasonably likely to cause emotional distress, abuse, or  
6-63 torment to another person, unless the communications are made in  
6-64 connection with a matter of public concern; or

6-65 (9) tracks or monitors the personal property or motor  
6-66 vehicle of another person, without the other person's effective  
6-67 consent, including by:

6-68 (A) using a tracking application on the person's  
6-69 personal electronic device or using a tracking device; or

7-1 (B) physically following the other person or  
7-2 causing any person to physically follow the other person.

7-3 (e) For purposes of Subsection (a)(9), it is presumed that a  
7-4 person did not give effective consent to the actor's conduct if:

7-5 (1) an application for a protective or restraining  
7-6 order against or with respect to the actor has been filed by or on  
7-7 behalf of the person under Subchapter A, Chapter 7B, Code of  
7-8 Criminal Procedure, Article 17.292, Code of Criminal Procedure,  
7-9 Section 6.504, Family Code, or Subtitle B, Title 4, Family Code, or  
7-10 an order has been issued against or with respect to the actor under  
7-11 one of those provisions; or

7-12 (2) the person is married to the actor and a petition  
7-13 for dissolution of marriage has been filed, or the person was  
7-14 previously married to the actor and the marriage has been  
7-15 dissolved.

7-16 SECTION 8. (a) Article 7B.005, Code of Criminal Procedure,  
7-17 as amended by this Act, and Sections 6.501 and 85.022, Family Code,  
7-18 as amended by this Act, apply only to a protective or restraining  
7-19 order rendered on or after the effective date of this Act. A  
7-20 protective or restraining order rendered before the effective date  
7-21 of this Act is governed by the law in effect on the date the order  
7-22 was rendered, and the former law is continued in effect for that  
7-23 purpose.

7-24 (b) Article 17.292, Code of Criminal Procedure, as amended  
7-25 by this Act, applies only to a magistrate's order for emergency  
7-26 protection entered on or after the effective date of this Act. A  
7-27 magistrate's order for emergency protection entered before the  
7-28 effective date of this Act is governed by the law in effect on the  
7-29 date the order was entered, and the former law is continued in  
7-30 effect for that purpose.

7-31 (c) Article 17.49, Code of Criminal Procedure, as amended by  
7-32 this Act, applies only to a defendant released on bond in connection  
7-33 with an offense committed on or after the effective date of this  
7-34 Act. A defendant released on bond in connection with an offense  
7-35 committed before the effective date of this Act is governed by the  
7-36 law in effect when the offense was committed, and the former law is  
7-37 continued in effect for that purpose. For purposes of this  
7-38 subsection, an offense was committed before the effective date of  
7-39 this Act if any element of the offense occurred before that date.

7-40 (d) Sections 25.07 and 42.07, Penal Code, as amended by this  
7-41 Act, apply only to an offense committed on or after the effective  
7-42 date of this Act. An offense committed before the effective date  
7-43 of this Act is governed by the law in effect on the date the offense  
7-44 was committed, and the former law is continued in effect for that  
7-45 purpose. For purposes of this subsection, an offense was committed  
7-46 before the effective date of this Act if any element of the offense  
7-47 occurred before that date.

7-48 SECTION 9. This Act takes effect September 1, 2023.

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