

By: Perry

S.B. No. 269

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the creation of the criminal offense of residential  
3 picketing.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Sections 42.04(a) and (c), Penal Code, are  
6 amended to read as follows:

7 (a) If conduct that would otherwise violate Section  
8 42.01(a)(5) (Unreasonable Noise), 42.03 (Obstructing Passageway),  
9 ~~or~~ 42.055 (Funeral Service Disruptions), or 42.056 (Residential  
10 Picketing) consists of speech or other communication, of gathering  
11 with others to hear or observe such speech or communication, or of  
12 gathering with others to picket or otherwise express in a  
13 nonviolent manner a position on social, economic, political, or  
14 religious questions, the actor must be ordered to move, disperse,  
15 or otherwise remedy the violation prior to the actor's ~~his~~ arrest  
16 if the actor ~~he~~ has not yet intentionally harmed the interests of  
17 others which those sections seek to protect.

18 (c) It is a defense to prosecution under Section  
19 42.01(a)(5), 42.03, ~~or~~ 42.055, or 42.056:

20 (1) that in circumstances in which this section  
21 requires an order no order was given;

22 (2) that an order, if given, was manifestly  
23 unreasonable in scope; or

24 (3) that an order, if given, was promptly obeyed.

1 SECTION 2. Chapter 42, Penal Code, is amended by adding  
2 Section 42.056 to read as follows:

3 Sec. 42.056. RESIDENTIAL PICKETING. (a) In this section:

4 (1) "Dwelling" means any structure or part of a  
5 structure that is occupied as, or designed or intended for  
6 occupancy as, a residence by one or more individuals.

7 (2) "Picketing" means:

8 (A) standing, sitting, or repeated walking,  
9 riding, driving, or other similar action by a person displaying or  
10 carrying a banner, placard, or sign;

11 (B) engaging in loud singing, chanting,  
12 whistling, or yelling, with or without noise amplification through  
13 a device such as a bullhorn or microphone; or

14 (C) blocking access to a dwelling.

15 (b) A person commits an offense if the person engages in  
16 picketing before or about the dwelling of any individual with the  
17 intent to harass or disturb the individual in the individual's  
18 dwelling.

19 (c) An offense under this section is a Class B misdemeanor.

20 (d) If conduct constituting an offense under this section  
21 also constitutes an offense under another law, the actor may be  
22 prosecuted under this section, the other law, or both.

23 SECTION 3. This Act takes effect September 1, 2023.