

AN ACT

relating to the prosecution of the offense of stalking.

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

SECTION 1. Article 38.46(a), Code of Criminal Procedure, is amended to read as follows:

(a) In a prosecution for stalking, each party may offer testimony as to all relevant facts and circumstances that would aid the trier of fact in determining whether the actor's conduct would cause a reasonable person in circumstances similar to the circumstances of the alleged victim to experience a fear described by Section 42.072(a)(3)(A), (B), or (C), Penal Code, including the facts and circumstances surrounding any existing or previous relationship between the actor and the alleged victim, a member of the alleged victim's family or household, or an individual with whom the alleged victim has a dating relationship.

SECTION 2. Section 42.072(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed [~~specifically~~] at a specific other [~~another~~] person, knowingly engages in conduct that:

(1) constitutes an offense under Section 42.07, or that the actor knows or reasonably should know the other person will regard as threatening:

1 (A) bodily injury or death for the other person;

2 or

3 (B) that an offense will be committed against:

4 (i) [~~bodily injury or death for~~] a member of
5 the other person's family or household; [~~or~~]

6 (ii) [~~for~~] an individual with whom the
7 other person has a dating relationship; or

8 (iii) [~~(C) that an offense will be~~
9 ~~committed against~~] the other person's property;

10 (2) causes the other person, a member of the other
11 person's family or household, or an individual with whom the other
12 person has a dating relationship:

13 (A) to be placed in fear of bodily injury or death
14 or in fear that an offense will be committed against the other
15 person, a member of the other person's family or household, or an
16 individual with whom the other person has a dating relationship, or
17 the other person's property; [~~or~~]

18 (B) to feel harassed, terrified, intimidated,
19 annoyed, alarmed, abused, tormented, embarrassed, or offended; and

20 (3) would cause a reasonable person under
21 circumstances similar to the circumstances of the other person to:

22 (A) fear bodily injury or death for the person
23 [~~himself or herself~~];

24 (B) fear that an offense will be committed
25 against [~~bodily injury or death for~~] a member of the person's family
26 or household or [~~for~~] an individual with whom the person has a
27 dating relationship;

1 (C) fear that an offense will be committed
2 against the person's property; or

3 (D) feel harassed, terrified, intimidated,
4 annoyed, alarmed, abused, tormented, embarrassed, or offended.

5 SECTION 3. The change in law made by this Act applies only
6 to an offense committed on or after the effective date of this Act.
7 An offense committed before the effective date of this Act is
8 governed by the law in effect on the date the offense was committed,
9 and the former law is continued in effect for that purpose. For
10 purposes of this section, an offense was committed before the
11 effective date of this Act if any element of the offense occurred
12 before that date.

13 SECTION 4. This Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1717 passed the Senate on April 12, 2023, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 25, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1717 passed the House, with amendment, on May 23, 2023, by the following vote: Yeas 109, Nays 28, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor