

By: Zaffirini

S.B. No. 1717

A BILL TO BE ENTITLED

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:

(1) 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; and

(2) if a prosecution for stalking involves family violence, as defined by Section 71.004, Family Code, and the actor's previous conduct constituting family violence was known to the victim, the actor's previous conduct constituting family violence.

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

1 one occasion and pursuant to the same scheme or course of conduct  
2 that is directed [~~specifically~~] at a specific other [~~another~~]  
3 person, knowingly engages in conduct that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 SECTION 3. The change in law made by this Act applies only  
12 to an offense committed on or after the effective date of this Act.  
13 An offense committed before the effective date of this Act is  
14 governed by the law in effect on the date the offense was committed,  
15 and the former law is continued in effect for that purpose. For  
16 purposes of this section, an offense was committed before the  
17 effective date of this Act if any element of the offense occurred  
18 before that date.

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