

By: Landgraf, Hull, Howard

H.B. No. 368

A BILL TO BE ENTITLED

AN ACT

relating to a prohibition on remotely controlling electronic devices of certain individuals and to the criminal prosecution of that conduct.

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

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

(a) In a protective order issued under this subchapter, the court may:

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

(2) prohibit the alleged offender from:

(A) communicating:

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

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

(B) going to or near the residence, place of employment or business, or child-care facility or school of the

1 applicant or any member of the applicant's family or household;

2 (C) engaging in conduct directed specifically
3 toward the applicant or any member of the applicant's family or
4 household, including following the person, that is reasonably
5 likely to harass, annoy, alarm, abuse, torment, or embarrass the
6 person;

7 (D) possessing a firearm, unless the alleged
8 offender is a peace officer, as defined by Section 1.07, Penal Code,
9 actively engaged in employment as a sworn, full-time paid employee
10 of a state agency or political subdivision; ~~and~~

11 (E) tracking or monitoring personal property or a
12 motor vehicle in the possession of the applicant or of a member of
13 the applicant's family or household, without the applicant's
14 effective consent, including by:

15 (i) using a tracking application on a
16 personal electronic device in the possession of the applicant or
17 the family or household member or using a tracking device; or

18 (ii) physically following the applicant or
19 the family or household member or causing another to physically
20 follow the applicant or member; and

21 (F) remotely controlling an electronic device
22 affecting the residence, vehicle, or property of:

23 (i) the applicant; or

24 (ii) a member of the applicant's family or
25 household.

26 SECTION 2. Article 17.292(c), Code of Criminal Procedure,
27 is amended to read as follows:

1 (c) The magistrate in the order for emergency protection may
2 prohibit the arrested party from:

3 (1) committing:

4 (A) family violence or an assault on the person
5 protected under the order; or

6 (B) an act in furtherance of an offense under
7 Section 20A.02 or 42.072, Penal Code;

8 (2) communicating:

9 (A) directly with a member of the family or
10 household or with the person protected under the order in a
11 threatening or harassing manner;

12 (B) a threat through any person to a member of the
13 family or household or to the person protected under the order; or

14 (C) if the magistrate finds good cause, in any
15 manner with a person protected under the order or a member of the
16 family or household of a person protected under the order, except
17 through the party's attorney or a person appointed by the court;

18 (3) going to or near:

19 (A) the residence, place of employment, or
20 business of a member of the family or household or of the person
21 protected under the order; or

22 (B) the residence, child care facility, or school
23 where a child protected under the order resides or attends;

24 (4) possessing a firearm, unless the person is a peace
25 officer, as defined by Section 1.07, Penal Code, actively engaged
26 in employment as a sworn, full-time paid employee of a state agency
27 or political subdivision; [~~or~~]

1 (5) tracking or monitoring personal property or a
2 motor vehicle in the possession of the person protected under the
3 order or of a member of the family or household of the person
4 protected under the order, without the protected person's effective
5 consent, including by:

6 (A) using a tracking application on a personal
7 electronic device in the possession of the person or the family or
8 household member or using a tracking device; or

9 (B) physically following the person or the family
10 or household member or causing another to physically follow the
11 person or member; or

12 (6) remotely controlling an electronic device
13 affecting the residence, vehicle, or property of:

14 (A) the person protected under the order; or

15 (B) a member of the family or household of the
16 person protected under the order.

17 SECTION 3. Article 17.49(b), Code of Criminal Procedure, is
18 amended to read as follows:

19 (b) A magistrate may require as a condition of release on
20 bond that a defendant charged with an offense involving family
21 violence:

22 (1) refrain from going to or near a residence, school,
23 place of employment, or other location, as specifically described
24 in the bond, frequented by an alleged victim of the offense;

25 (2) carry or wear a global positioning monitoring
26 system device and, except as provided by Subsection (h), pay a
27 reimbursement fee for the costs associated with operating that

1 system in relation to the defendant;

2 (3) except as provided by Subsection (h), if the
3 alleged victim of the offense consents after receiving the
4 information described by Subsection (d), pay a reimbursement fee
5 for the costs associated with providing the victim with an
6 electronic receptor device that:

7 (A) is capable of receiving the global
8 positioning monitoring system information from the device carried
9 or worn by the defendant; and

10 (B) notifies the victim if the defendant is at or
11 near a location that the defendant has been ordered to refrain from
12 going to or near under Subdivision (1); ~~[or]~~

13 (4) refrain from tracking or monitoring personal
14 property or a motor vehicle in the possession of the alleged victim
15 of the offense, without the victim's effective consent, including
16 by:

17 (A) using a tracking application on a personal
18 electronic device in the possession of the victim or using a
19 tracking device; or

20 (B) physically following the victim or causing
21 another to physically follow the victim; or

22 (5) refrain from remotely controlling an electronic
23 device affecting the residence, vehicle, or property of the alleged
24 victim of the offense.

25 SECTION 4. Section 6.501(a), Family Code, is amended to
26 read as follows:

27 (a) After the filing of a suit for dissolution of a

1 marriage, on the motion of a party or on the court's own motion, the
2 court may grant a temporary restraining order without notice to the
3 adverse party for the preservation of the property and for the
4 protection of the parties as necessary, including an order
5 prohibiting one or both parties from:

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

12 (2) threatening the other party in person or in any
13 other manner, including by telephone or another electronic voice
14 transmission, video chat, in writing, or electronic messaging, to
15 take unlawful action against any person, intending by this action
16 to annoy or alarm the other party;

17 (3) placing a telephone call, anonymously, at an
18 unreasonable hour, in an offensive and repetitious manner, or
19 without a legitimate purpose of communication with the intent to
20 annoy or alarm the other party;

21 (4) intentionally, knowingly, or recklessly causing
22 bodily injury to the other party or to a child of either party;

23 (5) threatening the other party or a child of either
24 party with imminent bodily injury;

25 (6) intentionally, knowingly, or recklessly
26 destroying, removing, concealing, encumbering, transferring, or
27 otherwise harming or reducing the value of the property of the

1 parties or either party with intent to obstruct the authority of the
2 court to order a division of the estate of the parties in a manner
3 that the court deems just and right, having due regard for the
4 rights of each party and any children of the marriage;

5 (7) intentionally falsifying a writing or record,
6 including an electronic record, relating to the property of either
7 party;

8 (8) intentionally misrepresenting or refusing to
9 disclose to the other party or to the court, on proper request, the
10 existence, amount, or location of any tangible or intellectual
11 property of the parties or either party, including electronically
12 stored or recorded information;

13 (9) intentionally or knowingly damaging or destroying
14 the tangible or intellectual property of the parties or either
15 party, including electronically stored or recorded information;

16 (10) intentionally or knowingly tampering with the
17 tangible or intellectual property of the parties or either party,
18 including electronically stored or recorded information, and
19 causing pecuniary loss or substantial inconvenience to the other
20 party;

21 (11) except as specifically authorized by the court:

22 (A) selling, transferring, assigning,
23 mortgaging, encumbering, or in any other manner alienating any of
24 the property of the parties or either party, regardless of whether
25 the property is:

26 (i) personal property, real property, or
27 intellectual property; or

1 (ii) separate or community property;

2 (B) incurring any debt, other than legal expenses

3 in connection with the suit for dissolution of marriage;

4 (C) withdrawing money from any checking or

5 savings account in a financial institution for any purpose;

6 (D) spending any money in either party's

7 possession or subject to either party's control for any purpose;

8 (E) withdrawing or borrowing money in any manner

9 for any purpose from a retirement, profit sharing, pension, death,

10 or other employee benefit plan, employee savings plan, individual

11 retirement account, or Keogh account of either party; or

12 (F) withdrawing or borrowing in any manner all or

13 any part of the cash surrender value of a life insurance policy on

14 the life of either party or a child of the parties;

15 (12) entering any safe deposit box in the name of or

16 subject to the control of the parties or either party, whether

17 individually or jointly with others;

18 (13) changing or in any manner altering the

19 beneficiary designation on any life insurance policy on the life of

20 either party or a child of the parties;

21 (14) canceling, altering, failing to renew or pay

22 premiums on, or in any manner affecting the level of coverage that

23 existed at the time the suit was filed of, any life, casualty,

24 automobile, or health insurance policy insuring the parties'

25 property or persons, including a child of the parties;

26 (15) opening or diverting mail or e-mail or any other

27 electronic communication addressed to the other party;

1 (16) signing or endorsing the other party's name on any
2 negotiable instrument, check, or draft, including a tax refund,
3 insurance payment, and dividend, or attempting to negotiate any
4 negotiable instrument payable to the other party without the
5 personal signature of the other party;

6 (17) taking any action to terminate or limit credit or
7 charge credit cards in the name of the other party;

8 (18) discontinuing or reducing the withholding for
9 federal income taxes from either party's wages or salary;

10 (19) destroying, disposing of, or altering any
11 financial records of the parties, including a canceled check,
12 deposit slip, and other records from a financial institution, a
13 record of credit purchases or cash advances, a tax return, and a
14 financial statement;

15 (20) destroying, disposing of, or altering any e-mail,
16 text message, video message, or chat message or other electronic
17 data or electronically stored information relevant to the subject
18 matter of the suit for dissolution of marriage, regardless of
19 whether the information is stored on a hard drive, in a removable
20 storage device, in cloud storage, or in another electronic storage
21 medium;

22 (21) modifying, changing, or altering the native
23 format or metadata of any electronic data or electronically stored
24 information relevant to the subject matter of the suit for
25 dissolution of marriage, regardless of whether the information is
26 stored on a hard drive, in a removable storage device, in cloud
27 storage, or in another electronic storage medium;

1 (22) deleting any data or content from any social
2 network profile used or created by either party or a child of the
3 parties;

4 (23) using any password or personal identification
5 number to gain access to the other party's e-mail account, bank
6 account, social media account, or any other electronic account;

7 (24) terminating or in any manner affecting the
8 service of water, electricity, gas, telephone, cable television, or
9 any other contractual service, including security, pest control,
10 landscaping, or yard maintenance at the residence of either party,
11 or in any manner attempting to withdraw any deposit paid in
12 connection with any of those services;

13 (25) excluding the other party from the use and
14 enjoyment of a specifically identified residence of the other
15 party;

16 (26) entering, operating, or exercising control over a
17 motor vehicle in the possession of the other party; ~~or~~

18 (27) tracking or monitoring personal property or a
19 motor vehicle in the possession of a party, without that party's
20 effective consent, including by:

21 (A) using a tracking application on a personal
22 electronic device in the possession of that party or using a
23 tracking device; or

24 (B) physically following that party or causing
25 another to physically follow that party; or

26 (28) remotely controlling an electronic device
27 affecting the residence, vehicle, or property of a party.

SECTION 5. Section 85.021, Family Code, is amended to read as follows:

Sec. 85.021. REQUIREMENTS OF ORDER APPLYING TO ANY PARTY. In a protective order, the court may:

(1) prohibit a party from:

(A) removing a child who is a member of the family or household from:

(i) the possession of a person named in the order; or

(ii) the jurisdiction of the court;

(B) transferring, encumbering, or otherwise disposing of property, other than in the ordinary course of business, that is mutually owned or leased by the parties; ~~or~~

(C) removing a pet, companion animal, or assistance animal, as defined by Section 121.002, Human Resources Code, from the possession or actual or constructive care of a person named in the order; or

(D) remotely controlling an electronic device affecting the residence, vehicle, or property of a person named in the order;

(2) grant exclusive possession of a residence to a party and, if appropriate, direct one or more parties to vacate the residence if the residence:

(A) is jointly owned or leased by the party receiving exclusive possession and a party being denied possession;

(B) is owned or leased by the party retaining possession; or

1 (C) is owned or leased by the party being denied
2 possession and that party has an obligation to support the party or
3 a child of the party granted possession of the residence;

4 (3) provide for the possession of and access to a child
5 of a party if the person receiving possession of or access to the
6 child is a parent of the child;

7 (4) require the payment of support for a party or for a
8 child of a party if the person required to make the payment has an
9 obligation to support the other party or the child; or

10 (5) award to a party the use and possession of
11 specified property that is community property or jointly owned or
12 leased property.

13 SECTION 6. Section 85.022(b), Family Code, is amended to
14 read as follows:

15 (b) In a protective order, the court may prohibit the person
16 found to have committed family violence from:

17 (1) committing family violence;

18 (2) communicating:

19 (A) directly with a person protected by an order
20 or a member of the family or household of a person protected by an
21 order, in a threatening or harassing manner;

22 (B) a threat through any person to a person
23 protected by an order or a member of the family or household of a
24 person protected by an order; and

25 (C) if the court finds good cause, in any manner
26 with a person protected by an order or a member of the family or
27 household of a person protected by an order, except through the

1 party's attorney or a person appointed by the court;

2 (3) going to or near the residence or place of
3 employment or business of a person protected by an order or a member
4 of the family or household of a person protected by an order;

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

8 (5) engaging in conduct directed specifically toward a
9 person who is a person protected by an order or a member of the
10 family or household of a person protected by an order, including
11 following the person, that is reasonably likely to harass, annoy,
12 alarm, abuse, torment, or embarrass the person;

13 (6) possessing a firearm, unless the person is a peace
14 officer, as defined by Section 1.07, Penal Code, actively engaged
15 in employment as a sworn, full-time paid employee of a state agency
16 or political subdivision;

17 (7) harming, threatening, or interfering with the
18 care, custody, or control of a pet, companion animal, or assistance
19 animal, as defined by Section 121.002, Human Resources Code, that
20 is possessed by or is in the actual or constructive care of a person
21 protected by an order or by a member of the family or household of a
22 person protected by an order; ~~and~~

23 (8) tracking or monitoring personal property or a
24 motor vehicle in the possession of a person protected by an order or
25 of a member of the family or household of a person protected by an
26 order, without the person's effective consent, including by:

27 (A) using a tracking application on a personal

1 electronic device in the possession of the person or the family or
2 household member or using a tracking device; or

3 (B) physically following the person or the family
4 or household member or causing another to physically follow the
5 person or member; and

6 (9) remotely controlling an electronic device
7 affecting the residence, vehicle, or property of:

8 (A) a person protected by an order; or

9 (B) a member of the family or household of a
10 person protected by an order.

11 SECTION 7. Section 25.07(a), Penal Code, is amended to read
12 as follows:

13 (a) A person commits an offense if, in violation of a
14 condition of bond set in a family violence, sexual assault or abuse,
15 indecent assault, stalking, or trafficking case and related to the
16 safety of a victim or the safety of the community, an order issued
17 under Subchapter A, Chapter 7B, Code of Criminal Procedure, an
18 order issued under Article 17.292, Code of Criminal Procedure, an
19 order issued under Section 6.504, Family Code, Chapter 83, Family
20 Code, if the temporary ex parte order has been served on the person,
21 Chapter 85, Family Code, or Subchapter F, Chapter 261, Family Code,
22 or an order issued by another jurisdiction as provided by Chapter
23 88, Family Code, the person knowingly or intentionally:

24 (1) commits family violence or an act in furtherance
25 of an offense under Section 20A.02, 22.011, 22.012, 22.021, or
26 42.072;

27 (2) communicates:

1 (A) directly with a protected individual or a
2 member of the family or household in a threatening or harassing
3 manner;

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

6 (C) in any manner with the protected individual
7 or a member of the family or household except through the person's
8 attorney or a person appointed by the court, if the violation is of
9 an order described by this subsection and the order prohibits any
10 communication with a protected individual or a member of the family
11 or household;

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

14 (A) the residence or place of employment or
15 business of a protected individual or a member of the family or
16 household; or

17 (B) any child care facility, residence, or school
18 where a child protected by the order or condition of bond normally
19 resides or attends;

20 (4) possesses a firearm;

21 (5) harms, threatens, or interferes with the care,
22 custody, or control of a pet, companion animal, or assistance
23 animal that is possessed by a person protected by the order or
24 condition of bond;

25 (6) removes, attempts to remove, or otherwise tampers
26 with the normal functioning of a global positioning monitoring
27 system; [~~or~~]

1 (7) tracks or monitors personal property or a motor
2 vehicle in the possession of a protected individual or of a member
3 of the family or household of a protected individual, without the
4 individual's effective consent, including by:

5 (A) using a tracking application on a personal
6 electronic device in the possession of the protected individual or
7 the family or household member or using a tracking device; or

8 (B) physically following the protected
9 individual or family or household member or causing another to
10 physically follow the individual or member; or

11 (8) remotely controls an electronic device affecting
12 the residence, vehicle, or property of:

13 (A) a protected individual; or

14 (B) a member of the family or household of a
15 protected individual.

16 SECTION 8. Section 42.07(a), Penal Code, as amended by
17 Chapters 839 (H.B. 2715) and 1118 (H.B. 1427), Acts of the 88th
18 Legislature, Regular Session, 2023, is reenacted and amended to
19 read as follows:

20 (a) A person commits an offense if, with intent to harass,
21 annoy, alarm, abuse, torment, or embarrass another, the person:

22 (1) initiates communication and in the course of the
23 communication makes a comment, request, suggestion, or proposal
24 that is obscene;

25 (2) threatens, in a manner reasonably likely to alarm
26 the person receiving the threat, to inflict bodily injury on the
27 person or to commit a felony against the person, a member of the

1 person's family or household, or the person's property;

2 (3) conveys, in a manner reasonably likely to alarm
3 the person receiving the report, a false report, which is known by
4 the conveyor to be false, that another person has suffered death or
5 serious bodily injury;

6 (4) causes the telephone of another to ring repeatedly
7 or makes repeated telephone communications anonymously or in a
8 manner reasonably likely to harass, annoy, alarm, abuse, torment,
9 embarrass, or offend another;

10 (5) makes a telephone call and intentionally fails to
11 hang up or disengage the connection;

12 (6) knowingly permits a telephone under the person's
13 control to be used by another to commit an offense under this
14 section;

15 (7) sends repeated electronic communications in a
16 manner reasonably likely to harass, annoy, alarm, abuse, torment,
17 embarrass, or offend another;

18 (8) publishes on an Internet website, including a
19 social media platform, repeated electronic communications in a
20 manner reasonably likely to cause emotional distress, abuse, or
21 torment to another person, unless the communications are made in
22 connection with a matter of public concern; ~~[or]~~

23 (9) tracks or monitors the personal property or motor
24 vehicle of another person, without the other person's effective
25 consent, including by:

26 (A) using a tracking application on the person's
27 personal electronic device or using a tracking device; or

(B) physically following the other person or causing any person to physically follow the other person;

(10) ~~[(9)]~~ makes obscene, intimidating, or threatening telephone calls or other electronic communications from a temporary or disposable telephone number provided by an Internet application or other technological means; or

(11) remotely controls an electronic device affecting the residence, vehicle, or property of the other person.

SECTION 9. (a) Article 7B.005, Code of Criminal Procedure, as amended by this Act, and Sections 6.501, 85.021, and 85.022, Family Code, as amended by this Act, apply only to a protective order or temporary restraining order rendered on or after the effective date of this Act. A protective order or temporary restraining order rendered before the effective date of this Act is governed by the law in effect on the date the order was rendered, and the former law is continued in effect for that purpose.

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

(c) Article 17.49, Code of Criminal Procedure, as amended by this Act, applies only to a defendant released on bond in connection with an offense committed on or after the effective date of this Act. A defendant released on bond in connection with an offense

1 committed before the effective date of this Act is governed by the
2 law in effect when the offense was committed, and the former law is
3 continued in effect for that purpose. For purposes of this
4 subsection, an offense was committed before the effective date of
5 this Act if any element of the offense occurred before that date.

6 (d) Sections 25.07 and 42.07, Penal Code, as amended by this
7 Act, apply only to an offense committed on or after the effective
8 date of this Act. An offense committed before the effective date of
9 this Act is governed by the law in effect on the date the offense was
10 committed, and the former law is continued in effect for that
11 purpose. For purposes of this subsection, an offense was committed
12 before the effective date of this Act if any element of the offense
13 occurred before that date.

14 SECTION 10. To the extent of any conflict, this Act prevails
15 over another Act of the 89th Legislature, Regular Session, 2025,
16 relating to nonsubstantive additions to and corrections in enacted
17 codes.

18 SECTION 11. This Act takes effect September 1, 2025.