

BILL ANALYSIS

Senate Research Center
81R25378 KEL-D

H.B. 2003
By: McCall et al. (Watson)
Criminal Justice
5/21/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 2003 relates to the creation of the offense of online harassment.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 33, Penal Code, by adding Section 33.07, as follows:

Sec. 33.07. ONLINE HARASSMENT. (a) Provides that a person commits an offense if the person uses the name or persona of another person to create a web page or to post one or more messages on a commercial social networking site without obtaining the other person's consent, and with the intent to harm, defraud, intimidate, or threaten any person.

(b) Provides that a person commits an offense if the person sends an electronic mail, instant message, text message, or similar communication that references a name, domain address, phone number, or other item of identifying information belonging to any person without obtaining the other person's consent, with the intent to cause a recipient of the communication to reasonably believe that the other person authorized or transmitted the communication, and with the intent to harm or defraud any person.

(c) Provides that an offense under Subsection (a) is a felony of the third degree. Provides that an offense under Subsection (b) is a Class A misdemeanor, except that the offense is a felony of the third degree if the actor commits the offense with the intent to solicit a response by emergency personnel.

(d) Authorizes the actor, if conduct that constitutes an offense under this section also constitutes an offense under any other law, to be prosecuted under this section, the other law, or both.

(e) Provides that it is a defense to prosecution under this section that the actor's conduct consisted solely of action taken as an employee of certain entities.

(f) Defines "commercial social networking site" and "identifying information."

SECTION 2. Effective date: September 1, 2009.