

By: McCall

H.B. No. 2003

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the offense of online harassment.

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

SECTION 1. Chapter 33, Penal Code, is amended by adding Section 33.07 to read as follows:

Sec. 33.07. ONLINE HARASSMENT. (a) A person commits an offense if the person uses the name or persona of another person to create a web page on or to post one or more messages on a commercial social networking site:

(1) without obtaining the other person's consent; and

(2) with the intent to harass, embarrass, intimidate, or threaten any person.

(b) 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:

(1) without obtaining the other person's consent; and

(2) with the intent to cause a recipient of the communication to reasonably believe that the other person authorized or transmitted the communication.

(c) An offense under this section 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 harm or defraud another.

(d) If conduct that constitutes an offense under this

1 section also constitutes an offense under any other law, the actor
2 may be prosecuted under this section, the other law, or both.

3 (e) In this section:

4 (1) "Commercial social networking site" means any
5 business, organization, or other similar entity operating a website
6 that permits persons to become registered users for the purpose of
7 establishing personal relationships with other users through
8 direct or real-time communication with other users or the creation
9 of web pages or profiles available to the public or to other users.
10 The term does not include an electronic mail program or a message
11 board program.

12 (2) "Identifying information" has the meaning
13 assigned by Section 32.51.

14 SECTION 2. This Act takes effect September 1, 2009.