

1-1 By: Nelson S.B. No. 82
1-2 (In the Senate - Filed November 8, 2010; January 31, 2011,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 March 28, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; March 28, 2011,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 82 By: Huffman

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the prosecution of the offense of stalking.
1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-12 SECTION 1. Section 42.072, Penal Code, is amended to read as
1-13 follows:
1-14 Sec. 42.072. STALKING. (a) A person commits an offense if
1-15 the person, on more than one occasion and pursuant to the same
1-16 scheme or course of conduct that is directed specifically at
1-17 another person, knowingly engages in conduct~~[, including following~~
1-18 ~~the other person,~~] that:
1-19 (1) the actor knows or reasonably believes the other
1-20 person will regard as threatening:
1-21 (A) bodily injury or death for the other person;
1-22 (B) bodily injury or death for a member of the
1-23 other person's family or household or for an individual with whom
1-24 the other person has a dating relationship; or
1-25 (C) that an offense will be committed against the
1-26 other person's property;
1-27 (2) causes the other person, ~~[or]~~ a member of the other
1-28 person's family or household, or an individual with whom the other
1-29 person has a dating relationship to be placed in fear of bodily
1-30 injury or death or fear that an offense will be committed against
1-31 the other person's property; and
1-32 (3) would cause a reasonable person to fear:
1-33 (A) bodily injury or death for himself or
1-34 herself;
1-35 (B) bodily injury or death for a member of the
1-36 person's family or household or for an individual with whom the
1-37 person has a dating relationship; or
1-38 (C) that an offense will be committed against the
1-39 person's property.
1-40 (b) An offense under this section is a felony of the third
1-41 degree, except that the offense is a felony of the second degree if
1-42 the actor has previously been convicted of an offense under this
1-43 section or of an offense under any of the following laws that
1-44 contains elements that are substantially similar to the elements of
1-45 an offense under this section:
1-46 (1) the laws of another state;
1-47 (2) the laws of a federally recognized Indian tribe;
1-48 (3) the laws of a territory of the United States; or
1-49 (4) federal law.
1-50 (c) For purposes of this section, a trier of fact may find
1-51 that different types of conduct described by Subsection (a), if
1-52 engaged in on more than one occasion, constitute conduct that is
1-53 engaged in pursuant to the same scheme or course of conduct.
1-54 (d) In this section, "dating relationship," "family,"
1-55 "household," and "member of a household" have the meanings assigned
1-56 by Chapter 71, Family Code.
1-57 SECTION 2. Chapter 13, Code of Criminal Procedure, is
1-58 amended by adding Article 13.36 to read as follows:
1-59 Art. 13.36. STALKING. The offense of stalking may be
1-60 prosecuted in any county in which an element of the offense
1-61 occurred.
1-62 SECTION 3. Chapter 38, Code of Criminal Procedure, is
1-63 amended by adding Article 38.46 to read as follows:

2-1 Art. 38.46. EVIDENCE IN PROSECUTIONS FOR STALKING. (a) In
2-2 a prosecution for stalking, each party may offer testimony as to all
2-3 relevant facts and circumstances that would aid the trier of fact in
2-4 determining whether the actor's conduct would cause a reasonable
2-5 person to experience a fear described by Section 42.072(a)(3)(A),
2-6 (B), or (C), Penal Code, including the facts and circumstances
2-7 surrounding any existing or previous relationship between the actor
2-8 and the alleged victim, a member of the alleged victim's family or
2-9 household, or an individual with whom the alleged victim has a
2-10 dating relationship.

2-11 (b) This article does not permit the presentation of
2-12 character evidence that would otherwise be inadmissible under the
2-13 Texas Rules of Evidence or other applicable law.

2-14 SECTION 4. The change in law made by this Act applies only
2-15 to an offense committed on or after the effective date of this Act.
2-16 An offense committed before the effective date of this Act is
2-17 covered by the law in effect when the offense was committed, and the
2-18 former law is continued in effect for that purpose. For purposes of
2-19 this section, an offense was committed before the effective date of
2-20 this Act if any element of the offense occurred before that date.

2-21 SECTION 5. This Act takes effect September 1, 2011.

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