

BILL ANALYSIS

S.B. 1798
By: Watson
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that current law does not expressly prohibit the act commonly referred to as "doxing," which involves posting the personal information of individuals online for a malicious purpose. The parties assert that individuals often target law enforcement officers and their family members in retaliation against an officer performing the officer's sanctioned duties. Because these parties contend that current law does not adequately protect officers and their families from such retaliation, S.B. 1798 seeks to create an offense pertaining to this conduct by amending current law relating to the prosecution of the offense of obstruction or retaliation.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1798 amends the Penal Code to expand the conduct that constitutes the third degree felony offense of obstruction or retaliation to include posting the residence address or telephone number of an individual the actor knows is a public servant or a member of a public servant's family or household on a publicly accessible website with the intent to cause harm or a threat of harm to the individual or a member of the individual's family or household in retaliation for or on account of the service or status of the individual as a public servant. The bill enhances the penalty for such offense involving that conduct to a second degree felony if the conduct results in the bodily injury of a public servant or a member of a public servant's family or household. The bill establishes that, for purposes of such offense involving that conduct, it is prima facie evidence of the intent to cause harm or a threat of harm to an individual the person knows is a public servant or a member of the public servant's family or household if the actor receives a written demand from the individual to not disclose the address or telephone number for reasons of safety and either fails to remove the address or telephone number from the publicly accessible website within a period of 48 hours after receiving the demand or reposts the address or telephone number on the same or a different publicly accessible website or makes the information publicly available through another medium, within a period of four years after receiving the demand, regardless of whether the individual is no longer a public servant.

EFFECTIVE DATE

September 1, 2013.