

## **BILL ANALYSIS**

Senate Research Center  
83R9615 PEP-D

S.B. 1798  
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Criminal Justice  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The purpose of this legislation is to protect law enforcement officials and their family members from intimidation caused by individuals who post personal information online in retaliation against an officer performing his or her sanctioned duties. This action is known as “doxing” or “doxxing.”

Texas does not currently have legislation prohibiting doxing and the state lacks strong legislation to protect officers from retaliation for duties performed while acting in their professional capacity.

This bill amends Section 36.06, Penal Code, to create a new offense pertaining to doxing. Specifically, S.B. 1798 makes it a third degree felony to post the home address or phone number of a public servant, or a member of the public servant's family or household, on a publicly accessible website with the intent to cause harm or the threat of harm in retaliation against the public servant. However, the offense is a second degree felony if the doxing results in bodily injury to the public servant or a member of the public servant's family.

As proposed, S.B. 1798 amends current law relating to the prosecution of the offense of obstruction or retaliation and provides penalties.

### **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 Section 36.06, Penal Code, as follows:

Sec. 36.06. OBSTRUCTION OR RETALIATION. (a) Makes a nonsubstantive change.

(a-1) Provides that a person commits an offense if the person posts 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.

(b) Redefines "public servant."

(c) Provides that an offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if:

(1) the victim of the offense was harmed or threatened because of the victim's service or status as a juror; or

(2) the actor's conduct is described by Subsection (a-1) and results in the bodily injury of a public servant or a member of a public servant's family or household.

Deletes existing text providing that an offense under this section is a felony of the third degree unless the victim of the offense was harmed or threatened because of the victim's service or status as a juror, in which event the offense is a felony of the second degree.

(d) Provides that for purposes of Subsection (a-1), 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 a public servant's family or household if the actor:

(1) receives a written demand from the individual to not disclose the address or telephone number for reasons of safety; and

(2) 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.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2013.