

By: Moody

H.B. No. 1606

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the offenses of harassment and stalking.

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

SECTION 1. Section 42.07(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if, with intent to harass, ~~[annoy, alarm,]~~ abuse, or torment ~~[, or embarrass]~~ another, the person ~~[he]~~:

(1) initiates communication ~~[by telephone, in writing, or by electronic communication]~~ and in the course of the communication makes a comment, request, suggestion, or proposal that is obscene;

(2) threatens, ~~[by telephone, in writing, or by electronic communication,]~~ in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's ~~[his]~~ family or household, or the person's ~~[his]~~ property;

(3) conveys, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury;

(4) causes the telephone of another to ring repeatedly or makes repeated telephone communications anonymously or in a

1 manner reasonably likely to harass, [~~annoy, alarm,~~] abuse, or  
2 torment [~~, embarrass, or offend~~] another;

3 (5) makes a telephone call and intentionally fails to  
4 hang up or disengage the connection;

5 (6) knowingly permits a telephone under the person's  
6 control to be used by another to commit an offense under this  
7 section; or

8 (7) sends repeated electronic communications in a  
9 manner reasonably likely to harass, [~~annoy, alarm,~~] abuse, or  
10 torment [~~, embarrass, or offend~~] another.

11 SECTION 2. Sections 42.072(a) and (d), Penal Code, are  
12 amended to read as follows:

13 (a) A person commits an offense if the person, on more than  
14 one occasion and pursuant to the same scheme or course of conduct  
15 that is directed specifically at another person, knowingly engages  
16 in conduct that:

17 (1) constitutes an offense under Section 42.07, or  
18 that the actor knows or reasonably should know [~~believes~~] the other  
19 person will regard as threatening:

20 (A) bodily injury or death for the other person;

21 (B) bodily injury or death for a member of the  
22 other person's family or household or for an individual with whom  
23 the other person has a dating relationship; or

24 (C) that an offense will be committed against the  
25 other person's property;

26 (2) causes the other person, a member of the other  
27 person's family or household, or an individual with whom the other

1 person has a dating relationship to be placed in fear of bodily  
2 injury or death or in fear that an offense will be committed against  
3 the other person's property, or to feel harassed, abused, or  
4 tormented; and

5 (3) would cause a reasonable person to [~~fear~~]:

6 (A) fear bodily injury or death for himself or  
7 herself;

8 (B) fear bodily injury or death for a member of  
9 the person's family or household or for an individual with whom the  
10 person has a dating relationship; [~~or~~]

11 (C) fear that an offense will be committed  
12 against the person's property; or

13 (D) feel harassed, abused, or tormented.

14 (d) In this section:

15 (1) "Dating [~~,"~~ "dating] relationship," "family,"  
16 "household," and "member of a household" have the meanings assigned  
17 by Chapter 71, Family Code.

18 (2) "Property" includes a pet, companion animal, or  
19 assistance animal, as defined by Section 121.002, Human Resources  
20 Code.

21 SECTION 3. The change in law made by this Act applies only  
22 to an offense committed on or after the effective date of this Act.  
23 An offense committed before the effective date of this Act is  
24 governed by the law in effect on the date the offense was committed,  
25 and the former law is continued in effect for that purpose. For  
26 purposes of this section, an offense was committed before the  
27 effective date of this Act if any element of the offense occurred

1 before that date.

2 SECTION 4. This Act takes effect September 1, 2013.