

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, 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, torment,
2 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, torment,
10 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, annoyed, alarmed,
4 abused, tormented, embarrassed, or offended; 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, annoyed, alarmed, abused,
14 tormented, embarrassed, or offended.

15 (d) In this section:

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

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

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

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1 effective date of this Act if any element of the offense occurred
2 before that date.

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

President of the Senate

Speaker of the House

I certify that H.B. No. 1606 was passed by the House on May 4, 2013, by the following vote: Yeas 106, Nays 28, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1606 on May 24, 2013, by the following vote: Yeas 119, Nays 26, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1606 was passed by the Senate, with amendments, on May 22, 2013, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor