

1-1 By: Watson S.B. No. 1798
1-2 (In the Senate - Filed March 8, 2013; March 25, 2013, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 25, 2013, reported favorably by the following vote: Yeas 5,
1-5 Nays 0; April 25, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10			X	
1-11			X	
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the prosecution of the offense of obstruction or
1-18 retaliation; providing penalties.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 36.06, Penal Code, is amended to read as
1-21 follows:

1-22 Sec. 36.06. OBSTRUCTION OR RETALIATION. (a) A person
1-23 commits an offense if the person [~~he~~] intentionally or knowingly
1-24 harms or threatens to harm another by an unlawful act:

1-25 (1) in retaliation for or on account of the service or
1-26 status of another as a:

1-27 (A) public servant, witness, prospective
1-28 witness, or informant; or

1-29 (B) person who has reported or who the actor
1-30 knows intends to report the occurrence of a crime; or

1-31 (2) to prevent or delay the service of another as a:

1-32 (A) public servant, witness, prospective
1-33 witness, or informant; or

1-34 (B) person who has reported or who the actor
1-35 knows intends to report the occurrence of a crime.

1-36 (a-1) A person commits an offense if the person posts the
1-37 residence address or telephone number of an individual the actor
1-38 knows is a public servant or a member of a public servant's family
1-39 or household on a publicly accessible website with the intent to
1-40 cause harm or a threat of harm to the individual or a member of the
1-41 individual's family or household in retaliation for or on account
1-42 of the service or status of the individual as a public servant.

1-43 (b) In this section:

1-44 (1) "Honorably retired peace officer" means a peace
1-45 officer who:

1-46 (A) did not retire in lieu of any disciplinary
1-47 action;

1-48 (B) was eligible to retire from a law enforcement
1-49 agency or was ineligible to retire only as a result of an injury
1-50 received in the course of the officer's employment with the agency;
1-51 and

1-52 (C) is entitled to receive a pension or annuity
1-53 for service as a law enforcement officer or is not entitled to
1-54 receive a pension or annuity only because the law enforcement
1-55 agency that employed the officer does not offer a pension or annuity
1-56 to its employees.

1-57 (2) "Informant" means a person who has communicated
1-58 information to the government in connection with any governmental
1-59 function.

1-60 (3) "Public servant" has the meaning assigned by
1-61 Section 1.07, except that the term also includes an honorably

2-1 retired peace officer.

2-2 (c) An offense under this section is a felony of the third
2-3 degree, except that the offense is a felony of the second degree if:

2-4 (1) [unless] the victim of the offense was harmed or
2-5 threatened because of the victim's service or status as a juror; or

2-6 (2) the actor's conduct is described by Subsection
2-7 (a-1) and results in the bodily injury of a public servant or a
2-8 member of a public servant's family or household~~[, in which event~~
2-9 ~~the offense is a felony of the second degree].~~

2-10 (d) For purposes of Subsection (a-1), it is prima facie
2-11 evidence of the intent to cause harm or a threat of harm to an
2-12 individual the person knows is a public servant or a member of a
2-13 public servant's family or household if the actor:

2-14 (1) receives a written demand from the individual to
2-15 not disclose the address or telephone number for reasons of safety;
2-16 and

2-17 (2) either:

2-18 (A) fails to remove the address or telephone
2-19 number from the publicly accessible website within a period of 48
2-20 hours after receiving the demand; or

2-21 (B) reposts the address or telephone number on
2-22 the same or a different publicly accessible website, or makes the
2-23 information publicly available through another medium, within a
2-24 period of four years after receiving the demand, regardless of
2-25 whether the individual is no longer a public servant.

2-26 SECTION 2. The change in law made by this Act applies only
2-27 to an offense committed on or after the effective date of this Act.
2-28 An offense committed before the effective date of this Act is
2-29 governed by the law in effect on the date the offense was committed,
2-30 and the former law is continued in effect for that purpose. For
2-31 purposes of this section, an offense was committed before the
2-32 effective date of this Act if any element of the offense occurred
2-33 before that date.

2-34 SECTION 3. This Act takes effect September 1, 2013.

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