

House Bill 1606
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

SENATE VERSION (CS)

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

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

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

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

CONFERENCE

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HOUSE VERSION

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

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

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

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

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

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

(2) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, abused, or tormented; and

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

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

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

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

(D) feel harassed, abused, or tormented.

(d) In this section:

SENATE VERSION (CS)

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

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

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

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

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

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

(2) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and

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

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

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

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

(D) feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.

(d) In this section:

CONFERENCE

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HOUSE VERSION

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

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

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

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

SENATE VERSION (CS)

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

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

SECTION 3. Same as House version.

SECTION 4. Same as House version.

CONFERENCE