

By: Rose

H.B. No. 3858

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the offense of obstruction or retaliation.

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

SECTION 1. Sections 36.06(a-1) and (d), Penal Code, are amended to read as follows:

(a-1) A person commits an offense if the person :

(1) posts on a publicly accessible website:

(A) the residence address or telephone number of an individual the actor knows is a public servant; or

(B) the name, residence address, or telephone number of a member of a public servant's family or household; and

(2) engages in the conduct described by Subdivision (1) 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.

(d) 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 the individual's ~~[a public servant's]~~ family or household if the actor:

(1) receives a written demand from the individual or an official representative of the individual's employer to not disclose the name, address, or telephone number for reasons of

1 safety; and

2 (2) either:

3 (A) fails to remove the name, address, or
4 telephone number from the publicly accessible website within a
5 period of 48 hours after receiving the demand; or

6 (B) reposts the name, address, or telephone
7 number on the same or a different publicly accessible website, or
8 makes the information publicly available through another medium,
9 within a period of four years after receiving the demand,
10 regardless of whether the individual is no longer a public servant.

11 SECTION 2. The change in law made by this Act applies only
12 to an offense committed on or after the effective date of this Act.
13 An offense committed before the effective date of this Act is
14 governed by the law in effect on the date the offense was committed,
15 and the former law is continued in effect for that purpose. For
16 purposes of this section, an offense was committed before the
17 effective date of this Act if any element of the offense occurred
18 before that date.

19 SECTION 3. This Act takes effect September 1, 2017.