

By: Cole

H.B. No. 3490

Substitute the following for H.B. No. 3490:

By: Collier

C.S.H.B. No. 3490

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the prosecution and punishment of the criminal offense
3 of harassment; creating a criminal offense.

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

5 SECTION 1. Sections 42.07(a) and (c), Penal Code, are
6 amended to read as follows:

7 (a) A person commits an offense if, with intent to harass,
8 annoy, alarm, abuse, torment, or embarrass another, the person:

9 (1) initiates communication and in the course of the
10 communication makes a comment, request, suggestion, or proposal
11 that is obscene;

12 (2) threatens, in a manner reasonably likely to alarm
13 the person receiving the threat, to inflict bodily injury on the
14 person or to commit a felony against the person, a member of the
15 person's family or household, or the person's property;

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

20 (4) causes the telephone of another to ring repeatedly
21 or makes repeated telephone communications anonymously or in a
22 manner reasonably likely to harass, annoy, alarm, abuse, torment,
23 embarrass, or offend another;

24 (5) makes a telephone call and intentionally fails to

1 hang up or disengage the connection;

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

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

8 (8) publishes on an Internet website, including a
9 social media platform, repeated electronic communications in a
10 manner reasonably likely to harass, annoy, alarm, abuse, torment,
11 embarrass, or offend another person and is reckless as to whether
12 the other person is reasonably likely to access the Internet
13 website or otherwise receive the communication.

14 (c) An offense under this section is a Class B misdemeanor,
15 except that the offense is a Class A misdemeanor if:

16 (1) the actor has previously been convicted under this
17 section; or

18 (2) the offense was committed under Subsection (a)(7)
19 or (8) and:

20 (A) the offense was committed against a child
21 under 18 years of age with the intent that the child:

22 (i) commit suicide; or

23 (ii) engage in conduct causing serious
24 bodily injury to the child; or

25 (B) the actor has previously violated a temporary
26 restraining order or injunction issued under Chapter 129A, Civil
27 Practice and Remedies Code.

1 SECTION 2. The change in law made by this Act applies only
2 to an offense committed on or after the effective date of this Act.
3 An offense committed before the effective date of this Act is
4 governed by the law in effect on the date the offense was committed,
5 and the former law is continued in effect for that purpose. For
6 purposes of this section, an offense was committed before the
7 effective date of this Act if any element of the offense occurred
8 before that date.

9 SECTION 3. This Act takes effect September 1, 2019.