

BILL ANALYSIS

S.B. 530
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been suggested that the current definition for the criminal offense of harassment is out of date and that there are gaps that allow harassment via indirect communication such as through online social media, which has become more common over time. Last session, House Bill 3490 attempted to address this issue but was vetoed by the governor, who cited free speech concerns. S.B. 530 incorporates language agreed to by stakeholders and addresses the free speech concerns from last session in order to close the gap in state law relating to harassment offenses.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 530 amends the Penal Code to create the Class B misdemeanor offense of harassment for a person who publishes repeated electronic communications on a website, including a social media platform, in a manner reasonably likely to cause emotional distress, abuse, or torment to another person with the intent to harass, annoy, alarm, abuse, torment, or embarrass that person. The bill enhances the penalty to a Class A misdemeanor in the following circumstances:

- the actor has been previously convicted of a harassment offense;
- the actor has previously violated a temporary restraining order or injunction for cyberbullying a child; or
- the offense is committed against a child under 18 years of age with the intent that the child commit suicide or engage in conduct causing serious bodily injury to the child.

The bill excepts communications made in connection with a matter of public concern from the application of the offense and provides for the meaning of "matter of public concern" by reference to its definition in the Civil Practice and Remedies Code.

EFFECTIVE DATE

September 1, 2021.