

By: Cole, Thompson of Harris,
Bell of Kaufman, Holland, Leman, et al.

H.B. No. 818

Substitute the following for H.B. No. 818:

By: Crockett

C.S.H.B. No. 818

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution and punishment of the criminal offense
of harassment; creating a criminal offense.

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

SECTION 1. Sections 42.07(a) and (c), Penal Code, are
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:

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

(2) threatens, 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 family or household, or the person's 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

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 abuse or torment or cause emotional
11 distress to another person, unless the communications are made in
12 connection with a matter of public concern.

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

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

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

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

21 (i) commit suicide; or

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

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

27 SECTION 2. Section 42.07(b), Penal Code, is amended by

1 adding Subdivision (2-a) to read as follows:

2 (2-a) "Matter of public concern" has the meaning
3 assigned by Section 27.001, Civil Practice and Remedies Code.

4 SECTION 3. Section 37.0151(a), Education Code, is amended
5 to read as follows:

6 (a) The principal of a public primary or secondary school,
7 or a person designated by the principal under Subsection (c), may
8 make a report to any school district police department, if
9 applicable, or the police department of the municipality in which
10 the school is located or, if the school is not in a municipality,
11 the sheriff of the county in which the school is located if, after
12 an investigation is completed, the principal has reasonable grounds
13 to believe that a student engaged in conduct that constitutes an
14 offense under Section 22.01 or 42.07(a)(7) or (8), Penal Code.

15 SECTION 4. The change in law made by this Act applies only
16 to an offense committed on or after the effective date of this Act.
17 An offense committed before the effective date of this Act is
18 governed by the law in effect on the date the offense was committed,
19 and the former law is continued in effect for that purpose. For
20 purposes of this section, an offense was committed before the
21 effective date of this Act if any element of the offense occurred
22 before that date.

23 SECTION 5. This Act takes effect September 1, 2021.