

By: Cole

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 harass, abuse, or torment another  
11 person.

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

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

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

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

20 (i) commit suicide; or

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

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

26 SECTION 2. Section 37.0151(a), Education Code, is amended  
27 to read as follows:

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

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

18           SECTION 4. This Act takes effect September 1, 2021.